

IN THE CIRCUIT COURT OF McHENRY COUNTY, ILLINOIS
IN THE TWENTY SECOND JUDICIAL CIRCUIT

MICHELE GOUDIE and MELISSA WOICEK,)
)
Plaintiffs,)
)
vs.)
)
HOOVED ANIMAL HUMANE SOCIETY,)
)
Defendant.)

No.

09CH874

FILED

APR 30 2009

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

**VERIFIED COMPLAINT FOR REPLEVIN,
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

NOW COME the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, by and through their attorney, John Robeznieks, complaining of the Defendant, HOOVED ANIMAL HUMANE SOCIETY, and state and allege as follows:

1. That the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, are the rightful owners of six (6) horses (hereinafter at times collectively referred to as the "Horses") that were wrongfully impounded by the City of Chicago on or about February 6, 2009, and subsequently conveyed to the Defendant, HOOVED ANIMAL HUMANE SOCIETY, who has refused and continues to refuse to return the Horses to the Plaintiffs.

PARTIES

2. That the Plaintiffs are residents of the County of Cook and the State of Illinois.

3. That the Defendant, HOOVED ANIMAL HUMANE SOCIETY (hereinafter referred to as "HAHS") is an Illinois not-for-profit corporation, whose registered agent is Patti Klein Manke, 10804 McCornell Road, Woodstock, McHenry County, Illinois 60098, and which, upon information and belief, has its principal offices and stables located at 10804 McCornell Road, Woodstock, McHenry County, Illinois 60098. HAHS' mandate and primary purpose is to rescue, rehabilitate and relocate abandoned and neglected horses to new owners who are willing and able to take care of them.

NOTICE
BY LOCAL RULE 3.10
THIS CASE IS HEREBY SET FOR SCHEDULING
CONFERENCE IN COURTROOM 204 ON
Sept 3 2009, AT 9:00 AM PM
FAILURE TO APPEAR MAY RESULT IN THE CASE
BEING DISMISSED OR AN ORDER OF
DEFAULT BEING ENTERED.

4. That, upon information and belief, the Horses are currently located and stabled in McHenry County and in the possession of HAHS.

5. That this court has personal jurisdiction over the Defendant pursuant to §§ 2-209(b)(2) and (b)(4) of the Code of Civil Procedure, 735 ILCS 5/2-209, because: (a) it is an Illinois corporation; (b) the events and transactions out of which the causes of action set forth herein arose, occurred in Illinois, County of McHenry; and (c) the Defendant participated in the hereinafter described conduct, which was substantially connected with Illinois.

6. That venue is proper in McHenry County, Illinois pursuant to § 2-101 of the Code of Civil Procedure, 735 ILCS 5/2-101, because the Horses, which are the subject matter of this matter are currently located in McHenry County, Illinois, the Defendant's principal place of business is located in McHenry County, Illinois, and the transaction or some part thereof out of which the causes of action set forth herein arose, occurred in McHenry County, Illinois.

FACTUAL BACKGROUND

Ownership

7. That the Plaintiffs are the owners of the six (6) horses which are the subject matter of this Complaint. A copy of the ownership documentation is identified as Group Exhibit "A" and is attached hereto and made a part hereof.

Proper Housing

8. That prior to the wrongful impoundment by the City of Chicago, the Horses were used by a corporation known as J.C. Cutters, Ltd. (hereinafter referred to as "J.C. Cutters") in the operation of a horse carriage business catering primarily to the tourist business in and around downtown Chicago.

9. That in late 2007, due to the sale of the property upon which its stables were located, J.C. Cutters was required to relocate its business operations.

10. That in November, 2007, in order to relocate its business operations to a location

near downtown Chicago, J.C. Cutters leased a relatively small portion of the property commonly known as 1501 N. Magnolia Avenue, Chicago, Illinois (hereinafter referred to as the "Magnolia Property") and thereafter constructed its stables in one of the vacant buildings located in the complex of buildings at the Magnolia Property.

11. That subsequent to entering into the aforesaid lease, the owner of the Property was cited for a number of building code violations and a housing court complaint was filed in the Circuit Court of Cook County, case number 08 M1 401214 (hereinafter referred to as the "Housing Court Case").

12. That J.C. Cutters, as a tenant, was named as an additional defendant in the Housing Court Case and was ordered by the Court, for the purported safety of the Horses and J.C. Cutters' staff, to dismantle the stables it had constructed inside the vacant building within the complex at the Magnolia Property and move the stables to an open air courtyard within the complex at the Magnolia Property.

13. That shortly after dismantling, moving and rebuilding the stables in the open air courtyard, due to new concerns subsequently raised by the City of Chicago over the stability of a wall near the new stables, the court ordered J.C. Cutters to dismantle the new stables it had just constructed in the open air courtyard immediately adjacent to the vacant building and move the stables outside the main complex of buildings at the Magnolia Property to a vacant area adjacent to the main portion of the complex at the Magnolia Property. A copy of the June 12, 2008 Agreed Mandatory Order is identified as Exhibit "B" and is attached hereto and made a part hereof.

14. That Paragraph 6 of the June 12, 2008 Order specifically orders J.C. Cutters to:

erect an appropriate tent for the horses with proper interior barricades within 7 days and move the horses into said tent within 7 days and no later than June 19, 2008.

15. That the Plaintiff, MICHELE GOUDIE, personally purchased from FarmTek, at

a cost in excess of \$5,000, two (2) large tents specifically designed for the year round housing and sheltering of farm animals, specifically a Moo-Tel Calf Nursery w/ Open Ends 18'w x 28'l (PB02704R4W - \$2,195.00) and a Moo-Tel Calf Nursery w/ Open Ends 18'w x 40'l (PB02708R4W - \$3,095.00), and erected the tent shelter in conformity with the June 12, 2008 Order. A copy of the documentation relative to the FarmTek tents is identified as Group Exhibit "C" and is attached hereto and made a part hereof.

16. That pursuant to the June 12, 2008 Order, a structural engineer inspected the vacant building at the Magnolia Property which the City of Chicago claimed was unsafe and determined the vacant building where the stables had originally been constructed to be "reasonably stable" and also determined that the temporary horse stables to be in "adequate condition". A copy of the June 17, 2008 letter from the Structural Engineer is identified as Exhibit "D" and is attached hereto and made a part hereof.

17. That in 2008 there were approximately forty one (41) licensed horse carriages operating in the City of Chicago.

18. That prior to December 31, 2008, J.C. Cutters timely filed its application to renew the seven (7) carriages licenses it used in the operation of its business for 2009.

19. That, upon information and belief, due in part to political pressure from activists who object to the horse carriage business, the Department of Consumer Services denied J.C. Cutters' renewal application.

20. That in 2009 there are now only approximately twenty six (26) licensed horse carriages operating in the City of Chicago.

Proper Care and Feeding

21. That in January, 2009, while J.C. Cutters appealed the denial of its application the horses did not work pulling carriages through downtown Chicago as they normally would have in the carriage trade, but remained primarily at the Magnolia Property.

22. That in January, 2009, all of the Horses were fed and given water at least two times per day. A copy of the January, 2009 Feeding Schedule is identified as Exhibit "E" and is attached hereto and made a part hereof.

23. That in January, 2009, in addition to being fed and watered at least two times per day, the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, took additional steps to insure the Horses were in good condition and given adequate air and sanitary conditions.

24. That the FarmTek tents provided complete shelter from the wind and rain while the canvas fabric of the tents provided adequate light and air for the Horses.

Proper Veterinarian Care

25. That all of the Horses were seen by a Veterinarian, Dr. Hucek of Huntley, Illinois in August, 2008 and in November, 2008, and were found to be in good health.

26. That all of the Horses were scheduled to be seen by the Veterinarian in February, 2009, but were wrongfully impounded by the City of Chicago prior to the scheduled appointment.

Wrongful Impoundment by the City of Chicago

27. That at all times while in the possession of the Plaintiffs, the Horses were provided with adequate food, water, air and sanitary conditions, and were in no way malnourished or mistreated.

28. That on Friday, February 6, 2009, in a highly orchestrated media event, complete with reporters from all of the local news channels and even news helicopters present overhead, personnel from the City of Chicago's Department of Animal Care and Control, together with Chicago Police Officers from the City of Chicago's Animal Crimes Unit, entered upon the premises and impounded the Horses.

29. That as clearly documented in countless photos and videos taken by the news media at the time of the seizure, the Horses clearly appeared to be neither malnourished nor

mistreated and had no cuts nor bruises.

30. That based upon pictures and reports received by the Plaintiffs since the seizure, the Horses have received substandard care during the two (2) months the Horses were in the custody, care and control of the City of Chicago, after the Horses were impounded, with one horse even having had its tail docked below the tailbone while in the City of Chicago's custody.

31. That the Horses now appeared to have multiple cuts and bruises all over their bodies and faces and also appeared to have lost at least one hundred (100) pounds per horse while in the custody of the City of Chicago.

32. That the Horses were far worse for wear due the substandard care the Horses received while in the custody of the City of Chicago prior to being conveyed and delivered to HAHS than the Horses were at the time they were wrongfully seized from the Plaintiffs.

Improper/Defective Notice

33. That, upon information and belief, at the time the City of Chicago wrongfully impounded the Horses, the Chicago Police Department posted a Notice to J.C. Cutters (hereinafter referred to as the "Notice") on the door of the tent which states, in part:

Rights and Procedures:

The owner has five (5) days from the date of impoundment to make an ownership claim on his/her animal. (*emphasis added*)

If the owner fails to make an ownership claim on his/her animal within seven (7) days, the animal shall be deemed forfeited and custody relinquished to Animal Care and Control. Once the owner relinquishes custody to Animal Care and Control, either voluntarily or through forfeiture, the animal will either humanely be euthanized or placed for adoption. (*emphasis added*)

If within five (5) days, the owner makes an ownership claim on his/her animal, Animal Care and Control will hold the Animal until a decision has been rendered concerning the underlying criminal charge(s), if any. (*emphasis added*)

Based upon the Notice, does the owner have five (5) days or seven (7) days to make an ownership claim? The Notice clearly states that after the ownership claim is made that "Animal Care and Control will hold the Animal until a decision has been rendered concerning the

underlying criminal charge(s)." A copy of the Notice is identified as Exhibit "F" and is attached hereto and made a part hereof.

34. That in addition to having no legitimate animal treatment, health or safety issues upon which to legitimately base its seizure of the Horses, the City of Chicago failed to provide proper notice to either J.C. Cutters or the actual owners of the Horses, the Plaintiffs herein.

35. That the City of Chicago did not adhere to the requirements of the Illinois Humane Care for Animals Act, 510 ILCS 70/1 et seq. by not providing proper notice nor the cure period identified in §70/11 of the Humane Care for Animals Act.

36. That the City of Chicago did not adhere to the requirements of the Chicago Animal Care and Control Ordinance, Chapter 7-12 et seq. by not providing any notice to the legal owners of the Horses (*the Plaintiffs herein*) nor notifying the registered agent of the corporation J.C. Cutters, Ltd., Richard W. Rappold, 55 West Monroe Street, Suite 3300, Chicago, Illinois 60603, the party to whom the Chicago Police and Animal Care and Control Department intended to direct notice.

Plaintiffs' Ownership Claim

37. That notwithstanding the aforesaid defective procedures and defective notice, the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, immediately asserted their ownership claims. A copy of subsequent demand letters detailing the ownership claims documentation are identified as Group Exhibit "G" and are attached hereto and made a part hereof.

38. That on Monday, February 9, 2009, in order to reclaim their horses which were seized on February 6, 2009, the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, knowing that they would likely be arrested on charges of animal neglect or cruelty, went to the Chicago Police Department and repeatedly claimed ownership of all six (6) horses, said ownership claims being made specifically to Sergeant Mark George.

39. That the Plaintiffs were, in fact, arrested at that time.

40. That the charges of neglect and/or cruelty are baseless, a fact all but grudgingly acknowledged by a number of the Chicago Police Officers present when the Horses were wrongfully seized during the February 6, 2009 media circus at Magnolia Property, and the criminal case is still pending.

41. That on February 9, 2009, the Plaintiffs were specifically informed by the Chicago Police that the Plaintiffs would not be able to see the horses until after criminal court proceedings were finished as the horse were evidence in the investigation.

42. That the Plaintiffs were further advised that Legal Notice posted at 1501 North Magnolia relating to the ownership claim was being placed on hold by the Department of Animal Care and Control until a decision had been rendered concerning the underlying criminal charges.

43. That notwithstanding the Plaintiffs' assertion of their ownership claim on February 9, 2009, the Plaintiffs restated their claim on February 12, 2009 to Inspector Block of the Department of Animal Care and Control.

44. That Inspector Block confirmed to the Plaintiffs that the February 9, 2009 ownership claim to the Chicago Police Department was adequate and that nothing more was needed.

45. That based upon these specific representations by the officers and civil authorities who were directly involved in the seizure of the Horses, the Plaintiffs reasonably believed that all necessary actions and steps to assert their ownership claims had been taken.

46. That since wrongfully impounding the Horses, the City of Chicago has not permitted the Plaintiffs to visit or inspect their horses nor has the City of Chicago provided the Plaintiffs with any information as to the location or health of the horses.

47. That immediately upon learning that the Horses had been wrongfully conveyed to HAHS, the Plaintiffs sent a written demand to HAHS demanding that HAHS immediately cease all adoption efforts and demanding the immediate return of the Horses. A copy of the

demand letter to HAHS is identified as Exhibit "H" and is attached hereto and made a part hereof.

Plaintiffs Deprived of Ownership Without Hearing or Due Process

48. That the City of Chicago failed to follow proper procedures with respect to the seizure of the Horses, provided defective notice to the Plaintiffs and is attempting to deprive the Plaintiffs of their property without due process or even a hearing of any kind.

49. That Mark Rosenthal, the Operations Manager of the Department of Animal Care and Control, was quoted in the April 15, 2009 edition of the Northwest Herald, a copy of which is identified as Exhibit "I" and is attached hereto and made a part hereof, as follows:

As for the condition of the animals when they were seized in early February, Rosenthal said a Veterinarian found the horses to be "*generally in good shape*". (*emphasis added*)

50. That the Northwest Herald Article further states that:

Rosenthal said that the City was within its rights to seize the horses. Under a Chicago Municipal Ordinance referenced by Rosenthal, JC Cutters had seven days to correct the problems that were found after the horses were taken.

51. That, upon information and belief, the only notice J.C. Cutters received was the Notice posted on the tent on February 6, 2009.

52. That the actual owners of the Horses, the Plaintiffs herein, received no notice of any corrective measures which needed to be taken and no notice that failure to correct "the problems that were found when the horses were taken" would lead to the forfeiture of the Horses.

53. That prior to the wrongful seizure on February 6, 2009, the Plaintiffs had made arrangements to remove the horses from the City of Chicago since the Horses would no longer be used in the carriage business.

54. That the City of Chicago was aware of the temporary nature of the tent at the Magnolia Property and that J.C. Cutter had, in the Housing Court Case, voluntarily agreed to

remove the temporary stables from the Magnolia Property. A copy of the February 26, 2009 Agreed Order is identified as Exhibit "J" and is attached hereto and made a part hereof.

Return of the Horses to the Plaintiffs

55. That based upon its own mandate, the Defendant, HOOVED ANIMAL HUMANE SOCIETY, does not want ownership of the horses, rather its primary purpose is to relocate abandoned and neglected horses to new owners who are willing and able to take care of these abandoned horses.

56. That the Plaintiffs have never relinquished their ownership claim, the Horses have never been neglected nor abandoned and the Plaintiffs desperately want to retrieve the horses and provide a loving and safe environment for them.

**COUNT I
REPLEVIN**

57. That the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, are the owners the Horses and are lawfully entitled to immediate possession of the Horses.

58. That the Horses are being wrongfully detained by the Defendant, HOOVED ANIMAL HUMANE SOCIETY.

59. That the Horses have not been taken for any tax, assessment or fine levied by virtue of any law of this state against the property of the Plaintiffs, or against them individually, nor seized under any lawful process or against the goods and chattels of the Plaintiffs subject to such lawful process, nor held by virtue of any previous order of replevin against the Plaintiffs.

60. That the value of the Horses is \$12,000, however the unique nature of the Horses and the relationship of the Plaintiffs to their horses requires that the Horses be returned to the Plaintiffs as no monetary amount can adequately compensate the Plaintiffs.

61. That the Plaintiffs claim the value of the Horses not delivered to the officer under the order for replevin entered by the court, however the unique nature of the Horses and the

relationship of the Plaintiffs to their horses requires that the Horses be returned to the Plaintiffs as no monetary amount can adequately compensate the Plaintiffs.

62. That the Defendant's malicious, wilful and wanton intent to deprive the Plaintiffs of their lawful interest in and possession of the Horses should entitle the Plaintiffs to punitive damages.

WHEREFORE, the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, respectfully request that this honorable court:

- A. Issue an order of replevin against the Defendant, HOOVED ANIMAL HUMANE SOCIETY;
- B. Enter a Judgment in favor of the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, and against the Defendant, HOOVED ANIMAL HUMANE SOCIETY, for the IMMEDIATE possession of the Horses and damages for the wrongful detention thereof, together with interest at the rate of five percent (5%) per annum, prior to judgment;
- C. Award the Plaintiffs all costs and expenses in connection with bringing this action including but not limited to attorney's fees and punitive damages in the amount determined by the court;
- D. Enter such other order or relief as this court deems just and proper.

COUNT II
INJUNCTIVE RELIEF

That the Plaintiffs hereby restate and reallege Paragraphs 1 through 62 of Count I as Paragraphs 1 through 62 of Count II as if fully set forth herein.

63. That an actual controversy has arisen between the Plaintiffs and the Defendant concerning the Plaintiffs' rights and it is therefore desirable and feasible that the Court declare the rights of the parties.

64. That at 4:34 p.m. on April 28, 2009, HAHS, through its attorney, notified the Plaintiffs that HAHS rejected the Plaintiffs' claim of ownership and the Plaintiffs' demand that HAHS stop its attempts to convey the Horses through its adoption process and further notified the Plaintiffs the HAHS will continue its adoption efforts. A copy of HAHS' letter and the

Plaintiffs' response are identified as Group Exhibit "K" and are attached hereto and made a part hereof.

65. That the Defendant, HOOVED ANIMAL HUMANE SOCIETY, has no right to sell or give away the Plaintiffs' Horses.

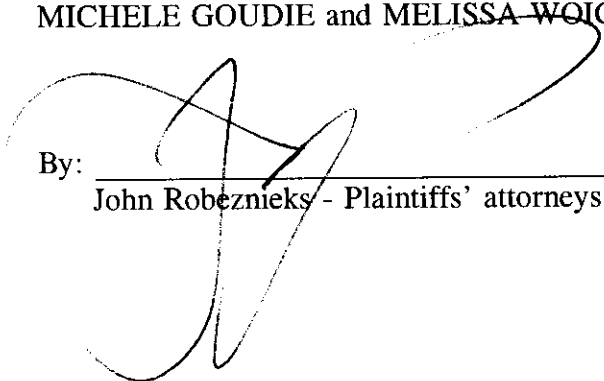
66. That MICHELE GOUDIE and MELISSA WOICEK are being damaged on a daily basis by HAHS' ongoing intentional and wrongful conduct.

67. That the Plaintiffs have no adequate remedy at law.

WHEREFORE, the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, pray that this Court enter a Declaratory Judgment determining and decreeing that:

- A. The Defendant, HOOVED ANIMAL HUMANE SOCIETY, is enjoined from selling, transferring or otherwise conveying or euthanizing the Horses; and
- B. Enter a Judgment in favor of the Plaintiffs, MICHELE GOUDIE and MELISSA WOICEK, and against the Defendant, HOOVED ANIMAL HUMANE SOCIETY, for the IMMEDIATE possession of the Horses and damages for the wrongful detention thereof, together with interest at the rate of five percent (5%) per annum, prior to judgment;
- C. Award the Plaintiffs all costs and expenses in connection with bringing this action including but not limited to attorney's fees and punitive damages in the amount determined by the court;
- D. Enter such other order or relief as this court deems just and proper.

MICHELE GOUDIE and MELISSA WOICEK

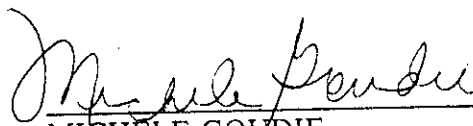
By: 
John Robeznieks - Plaintiffs' attorneys

John Robeznieks
738 East Dundee Road
Suite 302
Palatine, Illinois 60074-2858
847.202.0120
847.202.0122 - facsimile
Atty No. 06188681


STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

VERIFICATION

The undersigned, MICHELE GOUDIE and MELISSA WOICEK, hereby states under oath, and under penalties of perjury, that they are the Plaintiffs in the above matter and that they have read the aforesaid Complaint and that the statements set forth in said Complaint are true and correct, except as to matters therein stated to be on information and belief and as to such matters, the undersigned swear under oath as aforesaid that they verily believes the same to be true, and except as to matters therein stated for which the undersigned have insufficient knowledge thereof to form a belief.




MICHELE GOUDIE

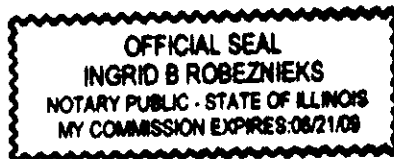


MELISSA WOICEK

Subscribed and sworn to
to before me this 29th
day of April, 2009.



Notary Public



John Robeznieks
738 E. Dundee Road
Suite 302
Palatine, Illinois 60074-2858
847.202.0120
847.202.0122 - facsimile
ARDC: 06188681

GROUP EXHIBIT "A"
Ownership Documentation

OWNERSHIP OF HORSES

Owner	Purchased	Age	Sex	Name	Physical Description
Melissa Woicek	2007	4 yrs	M	Cassa	Liver Chestnut, 15.3hh in height, 1,200 pounds, Full facial blaze and white socks of varying height on three legs. Black markings on inside of legs, most noticeable on inside of hind legs
M - Mare G - Gelding					Michele Goudie purchased Cassa in 2007 and resold Cassa to Melissa Woicek in 2008
Michelle Goudie	1997	14 yrs	G	Dr. Suess	Grey, mostly white in color, 16.2hh in height, 1,600 pounds, no
					Michele Goudie purchased Dr. Suess from David Imhoff in 1997 as a two year old
Michelle Goudie	2003	11 yrs	M	Natalie	Black bay with brown muzzle, 16.0hh in height, 1,500 pounds, small sock on right hind, small star on upper forehead
					Michele Goudie purchased Natalie from Topeka Sale Barn (auction) in 2003
Michelle Goudie	2002	11 yrs	M	Rita	Red chestnut, facial stripe. 16.3hh in height, 1,300 pounds, Short socks on hind legs
					Michele Goudie purchased Rita from Topeka Sale Barn (auction) in 2002
Michelle Goudie	2006	5 yrs	M	Sue	Light Brown, 15.3hh in height, 1,300 pounds, Full facial blaze and high white socks on all legs
					Michele Goudie purchased Sue from David Imhoff in 2006
Michelle Goudie	2008	6 yrs	G	Butch	Solid Black no white markings, 16.1hh in height, 1,700 pounds
					Michele Goudie received Butch as a gift from Ura of H&M Harness in 2008

EXHIBIT "B"
June 12, 2008 Agreed Mandatory Order

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

CITY OF CHICAGO, a municipal corporation,)
Plaintiff,)
V) No. 08 M1 401274
)
)
Adama, LLC, et. al.,)
Defendants.) Re: 1501 N. Magnolia

AGREED MANDATORY ORDER

This cause coming to be heard on the City's motion to advance, the Court having jurisdiction, and being advised in the premises:

Wherefore, this Court Orders as Follows:

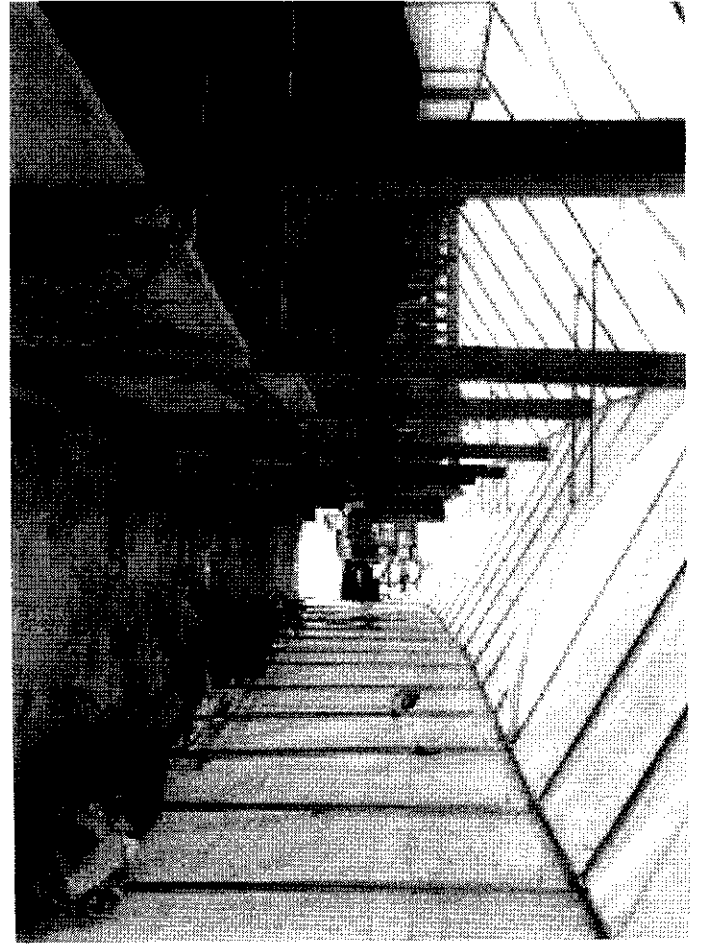
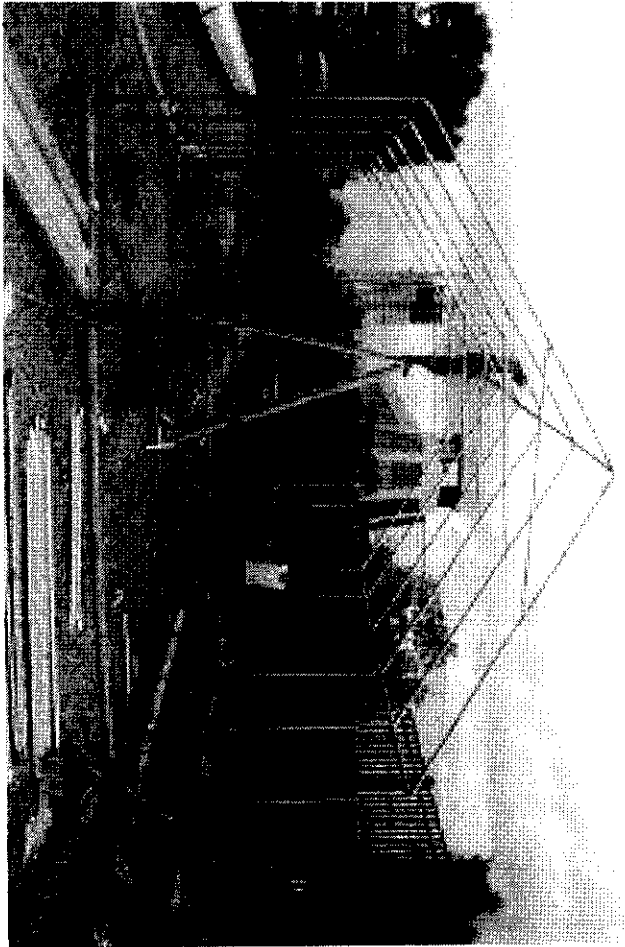
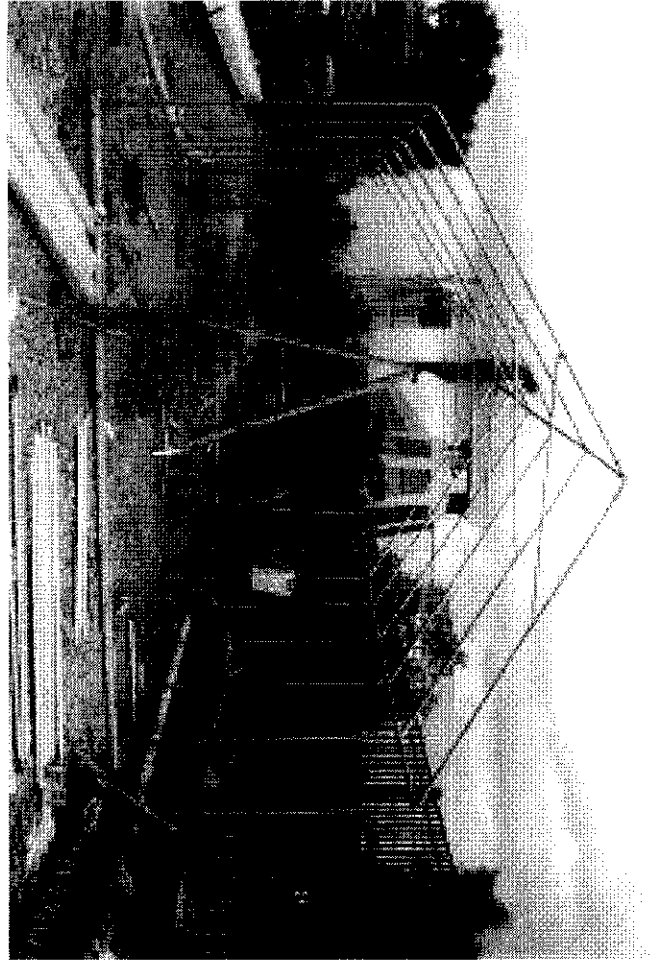
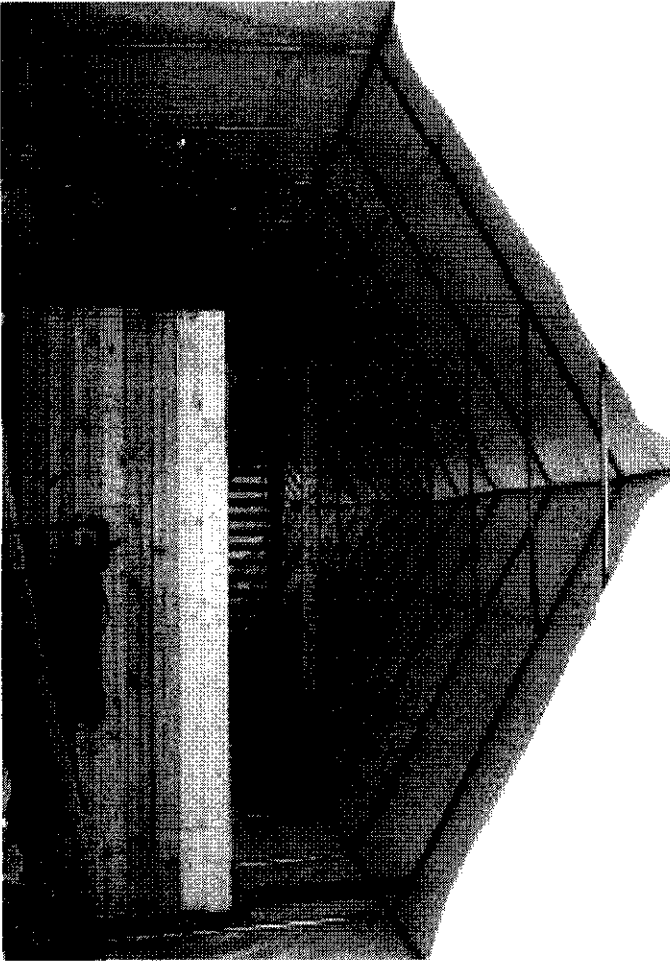
1. The City's motion to advance is granted.
2. J. C. Cutters, Ltd. is implead with summons waived. Counsel granted leave to file appearance within 14 days.
3. Adama, LLC and J. C. Cutters, Ltd. (defendants) shall remove all manure, garbage and personal property not used for businesses at the property from the premises from both the interior of the southwest building and the exterior within 7 days and no later than June 19, 2008. Entry into the southwest building is only allowed for the purposes of removing personal property, garbage and manure. There shall be no storage on the southwest area of the property or entry except for said removal and architects or contractors there for the purposes of evaluating the premises for repairs or demolitions.
4. The defendants shall erect a fence to barricade the southwest building with a 10 foot perimeter to block said access within 7 days and no later than June 19, 2008.
5. The defendants shall submit a structural engineer or architect's letter as to the structural stability of the southwest building under said structural engineer or architect's signature and seal within 14 days and no later than June 26, 2008.
6. The defendants shall erect an appropriate tent for the horses with proper interior barricades within 7 days and move the horses into said tent within 7 days and no later than June 19, 2008. The defendants are authorized to begin erecting the tent while simultaneously applying for the permit to erect the tent. The permit must be obtained within 14 days, however, erection of the tent may begin while that process is in place so that the tent can be erected for the safety of the horses as soon as possible.
7. The defendants shall present a plan to the City within 14 days and no later than June 26, 2008 as to the erection of permanent stables built with proper plans and permits.
8. This matter is continued to June 26, 2008 at 11:00 without further notice.

Hearing Date: June 12, 2008

Mara S. Georges
Corporation Counsel
City of Chicago Law Department
By: Judy Frydland
Senior Counsel, Building & Land Use
30 N. LaSalle Street, Suite 700
Chicago, Illinois 60602

Judge Daniel J. Lynch
JUDGE DANIEL J. LYNCH
JUN 12 2008
Circuit Court - 1789
Circuit Courtroom 1103

GROUP EXHIBIT "C"
FarmTek Tent Documentation







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ABOUT SSL CERTIFICATES

Home

Moo-Tel Calf Nursery w/ Open Ends 18'W x 28'L
Item# PB02704R4W

Provide a nourishing environment with the new Moo-Tel Calf Nursery.

- White 12.5 oz. premium cover comes with a 15 year warranty.
- Constructed from 14 gauge Allied Gatorshield structural steel tubing with our EZ-Lock slip fittings, making construction quick and easy.
- 4' Rafter spacing:
- Sidewall height: 7' 7".
- 11' 10" Ridge height
- Units equipped with ends come with one 8' x 8' double-zippered door and one 8' x 8' commercial grade steel roll-up door. End frame utilizes 16 gauge, 1.5" square tubing.
- 5'H roll-up sides come with our Universal Joint Hand Crank Assembly and all necessary hardware.
- Ground posts and ground post driver included.
- Designed to handle our Moo-Tel Calf Pen Systems.
- Customize your Moo-Tel to suit your needs.
- Made in the USA.

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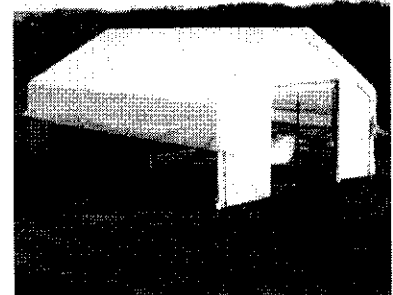
Quantity:

Product Specifications

Weight	1037.000
Availability	Manufactured Product - Available in 8 days
Width	18'
Height	11'10"
Length	28'
Side Wall Height	7'7"
Cover Material Weight	12.5 ounce
End Frame	Optional
Frame Material	Allied Gatorshield Steel
Pipe Gauge	14
Pipe Diameter	1.66"
Rafter Spacing	4'
Cover Material Warranty	15 year
Instructions	Instructions (PDF Format)
Warranty	Warranty Document
Other References	Reference Document (PDF Format)

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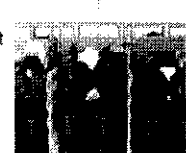
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Recommended Accessories



Ground Anchor Assembly
1/2"x30"Lx4" Small to 34'W Buildings
\$15.95



2 Qt Nursing Bottle w/ Snap on Calf Nipple
\$3.69



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- Units equipped with ends come with one 8' x 8' double-zippered door and one 8' x 8' commercial grade steel roll-up door. End frame utilizes 16 gauge, 1.5" square tubing.
- 5'H roll-up sides come with our Universal Joint Hand Crank Assembly and all necessary hardware.
- Ground posts and ground post driver included.
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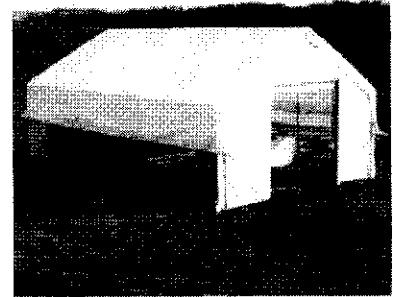
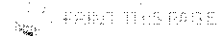
Our Price: \$3,095.00 / EA

Estimate [Shipping Cost](#) | [Live Help](#)

Quantity:

Product Specifications

Weight	1383.000
Availability	Manufactured Product - Available in 8 days
Width	18'
Height	11'10"
Length	40'
Side Wall Height	7'7"
Cover Material Weight	12.5 ounce
End Frame	Optional
Frame Material	Allied Gatorshield Steel
Pipe Gauge	14
Pipe Diameter	1.66"
Rafter Spacing	4'
Cover Material Warranty	15 year
Instructions	Instructions (PDF Format)
Warranty	Warranty Document
Other References	Reference Document (PDF Format)



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May we also recommend

Moo-Tel Calf Pen System Starter Unit
\$139.00
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Moo-Tel Calf Pen System Add-On Unit
\$119.00
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Moo-Tel Calf Nursery w/ Open Ends 26'W x 24'L
\$2,595.00
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Recommended Accessories



Ground Anchor Assembly
1/2"x30"Lx4" Small to 34'W Buildings
\$15.95



2 Qt Nursing Bottle w/ Snap on Calf Nipple
\$3.69

EXHIBIT "D"
June 17, 2008 Structural Engineer's letter

June 17, 2008

To whom it may concern:

After inspection of the southwest building at 1501 N. Magnolia Ave., it is my opinion that the structure is reasonably stable, and not in any danger of imminent collapse. Although the deficiencies are primarily cosmetic, certain steps must be taken to prevent further decay and completely stabilize the structure.

The roof decking should be stripped, replaced, and covered with a suitable rubber or tar roofing material. The joists are in good condition. Once the roof is made watertight, the bricks that have been pushed out by ice near the beams on the north wall should be replaced and tuck pointed as necessary.

The damaged stairs in the stairwell should be removed and replaced.

The top half of the northeast corner, where there is some separation, should be reconstructed with new bricks, and tuck pointed as necessary.

The center of the base of the north wall should be filled with concrete to stabilize the holes that have been left by missing foundation stones.

The south wall is structurally sound, and there is no reason that activities could not take place on the south side of that wall.

An orange fence will encircle the work area at a perimeter of 10' from the structure while the repairs are being made.

Finally, the temporary horse stables are in adequate condition and, although not aesthetically pleasing, their current location, 10 to 12 feet from the wall, does not put the horses in any imminent danger.

Sincerely,

Paul Lopez

Paul Lopez

Structural Engineer



EXPIRES 11-30-2008

EXHIBIT "E"
January, 2009 Feeding Schedule

Feeding schedule for January 09

Thursday 1st : AM Don
 PM Betty

Friday 2nd : AM Melissa
 PM Don

Saturday 3rd : AM Melissa
 PM Mary

Sunday 4th : AM Melissa
 PM Don

Monday 5th : AM Melissa
 PM Michele

Tuesday 6th : AM Melissa
 PM Don

Wednesday 7th : AM Melissa
 PM Don

Thursday 8th : AM Michele
 PM Don

Friday 9th : AM Melisa
 PM CC

Saturday 10th : AM Melissa
 PM Val/Betty

Sunday 11th : AM Melissa
 PM Betty

Monday 12th : AM Melissa
 PM Michele/Mary

Tuesday 13th : AM Melissa
 PM CC

Wednesday 14th : AM Melissa
 PM Mary

Thursday 15th : AM Michele
 PM Betty

Friday 16th : AM Melissa
 PM CC

Saturday 17th : AM Melissa
 PM Val

Sunday 18th : AM Melissa
 PM Michele

Monday 19th: AM Melissa
PM Mary

Tuesday 20th: AM Melissa
PM Betty

Wednesday 21th: AM Melissa
PM Mary

Thursday 22st: AM Michele
PM CC

Friday 23nd: AM Melissa
PM Betty

Saturday 24nd: AM Melissa
PM Val

Sunday 25rd: AM Melissa
PM Michele

Monday 26th: AM Melissa
PM Mary

Tuesday 27th: AM Melissa
PM CC

Wednesday 28th: AM Melissa
PM Mary

Thursday 29th: AM Michele
PM Mary

Friday 30th: AM Melissa
PM Betty

Saturday 31st: Am Melissa
PM Val

Sunday February 1st: AM Melissa
PM Mary

Monday 2nd: AM Melissa
PM Michele

Tuesday 3rd: AM Melissa
PM Mary

Wednesday 4th: AM Melissa
PM CC

Thursday 5th: AM Michele
PM Mary

EXHIBIT "F"
February 6, 2009 Notice

LEGAL NOTICE for the City of Chicago Municipal and State Violations

LEGAL NOTICE is hereby given to J.C. CUTTERS of
(Owner's name if known)

the impoundment of SIX (6) HORSES
(Describe animal(s))

The above-mentioned animal has been seized pursuant to the City of Chicago Municipal Code §7-12-010 et seq/and or 510 ILCS 5/70 et seq, based upon a complaint of 7-12-290 (b) & (c)
CRUELTY TO ANIMALS. (Describe offense) Failure to provide proper/food, WATER, AIR and/or SANITARY SHEETS

The animal(s) was seized on 16 FEB 2009 pursuant to 7-12-290 (b) & (c)
(Date) (Ordinance/Statute section)

Address animal(s) impounded from 1501 N. MARSHALL CHICAGO IL

Animal(s) impounded by AYNA LOZANO / HOLCOMB / CARIN
(Police Officer's Name & District/ACC Officer's Name)

Animal Inventory No. 361401, 361402, 361403, 361404, 361405, 361406

ANY OWNER OR PERSON HAVING A LEGAL INTEREST IN THE ANIMAL(S) SEIZED IS HEREBY GIVEN NOTICE:

In the Case of an Impoundment:

Animals will be examined and treated by a licensed veterinarian. If it is determined that an animal seized is severely injured, diseased or suffering, the animal may be humanely euthanized.

Rights and Procedures:

The owner has five (5) days from the date of impoundment to make an ownership claim on his/her animal.

If the owner fails to make an ownership claim on his/her animal within seven (7) days, the animal shall be deemed forfeited and custody relinquished to Animal Care and Control. Once the owner relinquishes custody to Animal Care and Control, either voluntarily or through forfeiture, the animal will be either humanely euthanized or placed for adoption.

If within five (5) days, the owner makes an ownership claim on his/her animal, Animal Care and Control will hold the animal until a decision has been rendered concerning the underlying criminal charge(s), if any.

Address of Impoundment:

An owner may reclaim his/her animal by going to the location listed below and filling out the necessary forms and presenting the appropriate veterinarian documents. For questions regarding your animal please contact the address and phone number circled.

Animal Care and Control
2741 S. Western Avenue
Chicago, Illinois 60608
(312) 747-1412

Animal Welfare
6224 S. Wabash Ave.
Chicago, Illinois 60637
(773) 667-0088

Animal Welfare
10305 Southwest Hwy.
Chicago Ridge, Illinois 60415
(708) 636-8586

EXHIBIT "G"
Demand Letters to City of Chicago

JOHN ROBEZNIKES

ATTORNEY AT LAW
738 East Dundee Road
Suite 302
Palatine, Illinois 60074-2858
(847) 202-0120
facsimile (847) 202-0122

April 6, 2009

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUEST
REGULAR MAIL and
HAND DELIVERY**

Commission on Animal Care and Control
Attn: Executive Director
2741 South Western Avenue
Chicago, Illinois 60608

re: Impoundment of Six (6) Horses/1501 North Magnolia
Date of Seizure: February 6, 2009
Animal Inventory No: 361401
361402
361403
361404
361405
361406

Dear Sirs:

Please be advised that my office represents Michele Goudie and Melissa Woicek, the owners of the above horses. These animals were wrongfully seized on February 6, 2009, at the carriage business operated by JC Cutters at 1501 N. Magnolia, Chicago, Illinois. All six horses were being used in the operation of JC Cutters, but JC Cutters is "not" the owner of the horses. The horses are owned by Michele Goudie and Melissa Woicek, individually.

We couldn't disagree more strenuously with the City's claim of cruelty. It is simply wrong to claim that the owners failed to provide adequate food, water, air and/or sanitary shelter. I was personally at the site less than 24 hours before the horses were seized and can attest that the horses were fed that afternoon while I was there and fed again that evening. The shelter the horses were in is specifically designed for year-round outdoor use and is used by hundreds of horse owners in Illinois, Wisconsin and Michigan and was erected pursuant to an Order by a Cook Court Judge in a pending building code matter.

As you are aware, the City did not renew JC Cutters carriage licenses in January so the animals were not permitted to work the carriage trade as they had always previously done. While JC Cutters worked on an appeal and efforts to regain those licenses, the horses were at 1501 North Magnolia. The horses were cared for daily and Michele and Melissa had already made arrangements to move the horses to the Graver farm in Dekalb County.

Commission on Animal Care and Control

April 6, 2009

page 2

A letter from the City, dated March 6, 2009, was received by Michele Goudie at her residence on or about April 1, 2009, and claimed that since the owners had not made an ownership claim within five (5) days or since the conditions were not corrected that Animal Care and Control now has ownership of the horses.

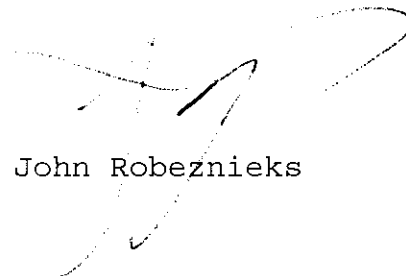
This is patently incorrect, both of my clients, Michele Goudie and Melissa Woicek, went to the Chicago Police Department and repeatedly claimed ownership of all six (6) horses. On February 9, 2009, Michele and Melissa were not only interviewed, but were wrongly arrested by the Chicago Police. They were specifically informed that day that we would not be able to see the horses until after court was finished as the horse were evidence in an investigation. They were further advised that Legal Notice posted at 1501 North Magnolia relating to the ownership claim was being placed on hold by Animal Care and Control until a decision had been rendered concerning the underlying criminal charges.

Notwithstanding my clients' assertion of their ownership claim on February 9th, they restated their claim on February 12th to Inspector Block. Inspector Block asked my clients if they had spoken to the police relative to the claim of ownership claim, to which my clients responded "yes". Inspector Block also confirmed that the February 9, 2009 ownership claim was adequate and that nothing more was needed. At that meeting, my clients received no further information regarding the return of my clients' horses.

My clients hereby again assert their claim of ownership and demand the immediate return of their horses. They have facilities available at the Graver farm in Dekalb County for their horses. Unlike a lot of horses, my clients worked with their animals 12 hours a day on a daily basis and they are more than just property to them. It is our understanding that the horses are now housed in 8' x 8' stalls, which would appear to violate the City's own guidelines for the minimum size of stalls. The horses now spend 16 out of 24 hours in these undersized stalls. We are very concerned about their care and condition as it also appears that no one from Animal Care and Control has any regular contact with the horses.

At this time, my clients have no intention of returning the horses to Chicago, they simply want their animals returned. Please review this matter and contact me at your earliest opportunity.

Very truly yours,



John Robeznieks

cc: Michele Goudie
Melissa Woicek

JOHN ROBEZNIIEKS

ATTORNEY AT LAW
738 East Dundee Road
Suite 302
Palatine, Illinois 60074-2858
(847) 202-0120
facsimile (847) 202-0122

April 7, 2009

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUEST
REGULAR MAIL and
HAND DELIVERY**

Sandra Alfred
Commission on Animal Care and Control
2741 South Western Avenue
Chicago, Illinois 60608

re: Impoundment of Six (6) Horses/1501 North Magnolia
Date of Seizure: February 6, 2009
Animal Inventory No: 361401/402/403/404/405/406

Dear Ms. Alfred:

Please be advised that my office represents Michele Goudie and Melissa Woicek, the owners of the above horses. Attached is a copy of my April 6, 2009 correspondence. Your March 6, 2009, letter mis-states a number of issues, particularly that the return of the horses was somehow conditioned upon the fact that the condition of property at 1501 North Magnolia had not been corrected so the ownership of horses has transferred to Animal Care and Control.

Your office, and corporation counsel in the pending building code case, know full well that the horses were "never" going to be returned to 1501 North Magnolia. There is even an agreed Order in that case giving JC Cutters until March 28, 2009 to remove the tent structure from the property. Representatives from Animal Control were at the February 26th court hearing and were advised that JC Cutters had permanently ceased operations at that location.

JC Cutters is not even the owner of the horses and to somehow condition the return of the horses on a clean up that the Cook County Court gave JC Cutters until March 28th to clean up is wholly unfair.

My clients deeply care about these animals, they are more like family than property and they demand that they be returned immediately. Please review this with your staff and contact my office to make arrangements for my clients to pick up the horses and transport them to the Graver farm in Dekalb County.

Very truly yours,



John Robeznieks

cc: Michele Goudie
Melissa Woicek

EXHIBIT "H"
Demand Letter to HAHS

JOHN ROBEZNIKES

ATTORNEY AT LAW
738 East Dundee Road
Suite 302
Palatine, Illinois 60074-2858
(847) 202-0120
facsimile (847) 202-0122

April 13, 2009

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUEST and
FACSIMILE TRANSMISSION
815.337.5569**

Hooved Animal Humane Society (815.337.5563)
10804 McConnell Road
Woodstock, Illinois 60098

re: Wrongful Transfer of Horses
Impoundment of Six (6) Horses/1501 N. Magnolia - February 6, 2009
Animal Inventory No: 361401/402/403/404/405/406

Dear Sirs:

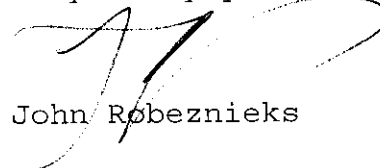
Please be advised that my office represents Michele Goudie and Melissa Woicek, the owners of six (6) horses currently in your possession which were wrongfully seized and recently transferred to you. Attached are copies of my April 6th and April 7th demand letters to the Chicago Commission on Animal Care and Control. As outlined in those demand letters, not only was notice defective (*notice was to a corporation, not the individual owners*), but my clients properly, immediately and repeatedly claimed ownership of the horses. Chicago did not perfect its purported ownership interest and therefore could not transfer ownership to you.

You should further be aware that the claims of neglect are simply wrong. The horses were fed and otherwise taken care of on a daily basis and regularly seen by a veterinarian. My clients deeply care about their animals, which I can personally attest to as I saw the horses on a regular basis since I began representing the business known as JC Cutters a year ago.

Please review the enclosed correspondence. Be advised that you do "not" have the right to put any of these horses up for adoption and my clients demand the immediate return of their animals. My clients have made arrangements with the Graver farm to take care of the horses on an indefinite basis and are prepared to immediately transfer their horses to the Graver farm. In the event you disregard this demand and my clients' horses are not returned to them by Wednesday, April 15, 2009, be advised that my office will be filing suit on Thursday seeking the return of the horses, together with damages and attorney fees.

Govern yourselves accordingly.

Very truly yours,



John Robeznieks

EXHIBIT "I"
Northwest Herald Article

Thursday, April 30, 2009 | [Make nwherald.com your home page](#)

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Shelter stuck in the middle of fight

By BRIAN SLUPSKI - bslupski@nwherald.com
Comments (61 comments)

WOODSTOCK – The Hooved Animal Humane Society has found itself embroiled in a controversy between the city of Chicago and a horse-drawn carriage company.

Six horses were seized in February from JC Cutters Carriage Rides after a complaint was made related to the care of the animals. Chicago Animal Care and Control operations manager Mark Rosenthal said. An investigation by the city found the complaint to be accurate.

Rosenthal said the animals were kept in a poor sanitary condition, some animals had insufficient food and water, and there were general problems with the maintenance of the horses.



Sue (left) and Rita, both draft crossbreeds, graze in a field Tuesday outside a barn at the Hooved Animal Humane Society in Woodstock. The horses are two of six horses that were seized in Chicago from JC Cutters Carriage Rides and now are up for adoption. (Justin Edmonds – jedmonds@nwherald.com)

After the animals were taken, they were transferred to the Hooved Animal Humane Society. So far, one of the horses has been adopted.

JC Cutters co-owner and manager Michele Goudie has disputed the city's version of events and said the horses were in good condition and should not have been taken. Goudie has hired an attorney and wants the animals back.

"We're kind of in the middle of all this," HAHS program director Hillary Clark said. "We're just trying to be the good guys here for the animals."

The nonprofit shelter works with government agencies around the country that have seized animals.

Often the animals have been abused or neglected.

The society takes in hooved animals – except for cows – and tries to find them a home. The society currently has about 50 animals – horses, goats, pigs and lambs. Sometimes animals remain at the shelter for months or even years until homes are found.

HAHS Executive Director Patti Manke said it was not unusual for an owner who had been charged to want the animals back. Manke said the nonprofit's attorney was discussing the issue with the attorney for Chicago Animal Care and Control.

"We were not aware any of this was going on," Manke said. "The horses were just released to us."

Manke said HAHS had been assured by Rosenthal that the horses were seized legally and properly. She said that HAHS was proceeding based on that assurance and would continue to seek adoption applicants for the remaining five horses.

Goudie said JC Cutters' problems were with the city, but added that any lawsuit likely would include HAHS.

Goudie said the company's problems with the city began after the company lost its barn. The owner of the property

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AP VIDEO

29 Hurt in NC School Bus Wreck U.S. Flu Cases Rise Again, CDC Experts Even More Swine Flu's Ground Zero, Patient Zero?

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that JC Cutters was renting converted the property into a parking lot in 2007

Despite attempts to build adequate barns and stables, she said, the conflict with the city continued.

"No matter what we did, we could not keep them happy," Goudie said.

Rosenthal said that the city was within its rights to seize the horses. Under a Chicago municipal ordinance referenced by Rosenthal, JC Cutters had seven days to correct the problems that were found after the horses were taken.

As for the condition of the animals when they were seized in early February, Rosenthal said, a veterinarian found the horses to be "generally in good shape," adding that some were slightly thin or had hoof issues.

HAHS never had an adoption reversed, and there is no pending legal action regarding the ownership of the horses. Manke said HAHS had no involvement in the decision by the city to seize the animals. HAHS simply agreed to take the animals and to find a good home to place them in.

"We certainly didn't mean to get involved in any of this," Manke said.



Comments

Show / Hide Comments

BUC wrote on April 15, 2009 7:44 a.m.

"Rosenthal needs to get his stories straight. In another interview he said that the owners didn't want the horses back which is complete nonsense: www.thehorse.com/ViewArticle.aspx?ID=13939 HAHS should be hung out to dry for not stopping the adoption process until this matter is cleared up. This is some scary stuff for all horse owners out there...that you can have your healthy cared for animals yanked out from under you. You can visit this site for the full story and how to help: <http://jccutters.weebly.com/>"

Report

commentator wrote on April 15, 2009 7:59 a.m.

"I cannot imagine that an organization such as HAHS would adopt out the horses PRIOR to the owners having their day in court. That's right, there has not been a judgement, nor have the horses been relinquished by the owners. HAHS, you depend on the horse community to support your organization, but due to your involvement in this fiasco that same community is now scared to death of you."

Report

Sarah315 wrote on April 15, 2009 8:33 a.m.

"Wow, I have been following this story closely and had yet to form an opinion. But after checking out JC Cutter's website, I am appalled! What a waste of time and money. The "tent" that was erected was a high quality Farm Tec building, commonly used to house horses and livestock across America. All the animals had food and water! And let me give the non-farm city people some info. ALL horses defecate in their stalls! Shocking, I know, but farmer's best efforts to potty train them have failed for CENTURIES! Shame on you HAHS!"

Report

Horseowner wrote on April 15, 2009 8:34 a.m.

"Rosenthal and HAHS are both full of it. The horse owners have been posting their story on a horse forum <http://midwest-horse.com/forum> since the day the horses were seized and have done nothing but try to get them back!!!! <http://midwest-horse.com/forum/>"

Report

charles eu wrote on April 15, 2009 8:48 a.m.

"seems to be bad form to give away some thing that your group does own yet it may be expensive to keep the horses but it is still not legal to give away something you do not own"

Report

commentator wrote on April 15, 2009 9:25 a.m.

"You would think Charles that HAHS would have a system in place that ensures that all court affairs are in order & final prior to adopting out the horses...wouldn't you?"

Report

BUC wrote on April 15, 2009 9:30 a.m.

"Dont you just LOVE this statement? "Manke said HAHS had been assured by Rosenthal that the horses were seized legally and properly" Assured? How about asking for legal documentation from the court? "

Report

815 wrote on April 15, 2009 10:44 a.m.

"Chicago siezed these horses for no other reason than they wanted to shut this carriage business down. Period. They in turn have not given the horses owners a fair chance to get their horses back. This is a fine example of the Chicago Machine at work. HAHS should NOT be adopting these horses out until the rightful owners GET THEIR DAY IN COURT! Thx to NW Herald for printing this story."

Report

commentator wrote on April 15, 2009 10:52 a.m.

"The horses were confiscated 1 day after their carriage liscance was denied. What was there to fix in 7 days if your business was shut down?"

Report

shyfilly78 wrote on April 15, 2009 11:58 a.m.

"I'm ashamed of HAHS adopting the horse out, completely ignoring all of the red flags. Mark Rosenthal seems to have a vendetta against JC Cutters. I'm really saddened to hear that one woman's personal horse was taken as well and is now up for adoption. I'm outraged that the excuse was "no heat in barn" are you going to come take my horses next? Are we going to require cattle and pigs to live in a heated barn now too? Pictures taken at facility shows NO grounds for removal. This is sad"

Report

shyfilly78 wrote on April 15, 2009 12:04 p.m.

"Does HAHS have heated barns? How can a rescue afford that? I also noticed that in the video taken at HAHS one horse looked like they had LOST weight since the horse was originally taken! How does that happen? Mr. Rosenthal needs to publicly apologize to the tax payers and JC Cutters on this "rescue", for wasting tax money. Return the horses to where they belong and stop acting like horses are humans and not livestock "



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READER POLL

Which summer movie are you most interested in seeing?

- "Star Trek"
- "Up"
- "Harry Potter and the Half-Blood Prince"
- "X-Men Origins: Wolverine"

Vote! Show results



Report

815 wrote on April 15, 2009 12:24 p.m.

"heated barns lead to respiratory disease in livestock. my barn is not heated either, will my horses be confiscated next?"

Report

astronomer wrote on April 15, 2009 12:24 p.m.

"We're kind of in the middle of all this," HAHS program director Hillary Clark said. We were not aware any of this was going on." Manke said what kind of clueless people is HAHS (a non-profit)? putting on their very generous payroll? "

Report

commentator wrote on April 15, 2009 12:42 p.m.

"I hope HAHS is reading these comments, wonder how it will affect fundraising?"

Report

MelW wrote on April 15, 2009 12:52 p.m.

"I supported HAHS for many years donating time and money. That will stop now. What is also horrible about this is that HAHS HAS been contacted by many people in regards to these horses and the current legal situation, and not only isn't stopping the adoption process, but won't let the true owners of the horses know which one is gone "

Report

815 wrote on April 15, 2009 1:44 p.m.

"the one adoption should be nullified and the horses should be held til the true owners get their due process!"

Report

Lisa60014 wrote on April 15, 2009 2:05 p.m.

"I am curious - does the adopter of the horse in question know all of this? If I adopted an animal under false pretenses (ie: Stolen) I would return it."

Report

horsesdreamin wrote on April 15, 2009 2:48 p.m.

"Shame on HAHS for acting like they don't know what is going on and STILL continuing with adoptions. They have received many many e-mails and letters from people who are absolutely outraged over this seemingly illegal confiscation of perfectly healthy animals on flimsy and ridiculous accusations. The "authority" that confiscated had NO background in large animal care and were completely ignorant of any equine management. This is truly disgusting and has left me with no respect towards HAHS or Mark Rosenthal of the City of Chicago Animal Control who has no clue whatsoever."

Report

takeadeepbreath wrote on April 15, 2009 3:29 p.m.

"HAHS----- I am still forever grateful for all the hard work you do for these animals--all the nitpicking aside-- your voice is for them to be CARED FOR bottom line...and all these comments take in stride--you guys do a great job and are appreciated always~"

Report

Lisa60014 wrote on April 15, 2009 3:38 p.m.

"takeadeepbreath ~ Cindy is that you?"

Report

Reader001 wrote on April 15, 2009 3:40 p.m.

...

Report

astronomer wrote on April 15, 2009 3:59 p.m.

"I am still forever grateful for all the hard work you do for these animals! They do a great job of providing very well for the two-legged variety, did you realize how much they pay their "highly qualified employees"??? Check out this site. <http://www.charitynavigator.org/index.cfm?bay=search.summary&orgid=5126>"

Report

Terri wrote on April 15, 2009 4:39 p.m.

"I find it incredulous that in a country that prides itself on the democratic process, that Chicago Animal Control was allowed to act as judge, jury, and hangman, all in one day. I believe that contact to Mark Rosenthal and HAHS is only one part of it. Calls to the Mayor's office are also needed since he is Rosenthal's boss. What a disgraceful miscarriage of justice. Takeadeepbreath>the horses in question were flat out stolen from their rightful owners and HAHS refuses to own up to the mistake they have made by putting them up for adoption and adopting one out "

Report

MelW wrote on April 15, 2009 4:40 p.m.

"Takeadeepbreath: I hope for your sake you never have to go through what the owners of these horses are going through right now. HAHS only had to ask for court documentation proving ownership transfer, and they wouldn't be in the middle of this situation. I know for a fact they didn't because I am one of the owners, and I was never served a notice of forfeiture, which is required federal, state, county and city wide. I don't want HAHS in trouble any more than you do, but I do want my mare back"

Report

MelW wrote on April 15, 2009 4:41 p.m.

"www.jccutters.weebly.com"

Report

Zhorsegirls wrote on April 15, 2009 5:44 p.m.

"HAHS is a third party in all of this-complaints should be addressed to Chicago Animal Control. I put the responsibility for this on the owners of the carriage company. On the website posted above, at no time do the owners of the horses say they contacted Animal Control to determine how to get their horses back. If it had been my horse, I would have been parked on Mark Rosenthal's desk until someone told me what I needed to fix. Bureaucracy is not going to hunt you down to tell you what to fix, you need to be proactive."

Report

Zhorsegirls wrote on April 15, 2009 5:47 p.m.

"Astronomer needs to get a life other than posting the same tired link to show what HAHS employees get paid on every story concerning HAHS. How many horses do you take care, Astronomer? How many stalls packed 6 feet deep with horse manure have you pulled an 800lb animal out of recently? How many unhandled, scared 1200lb prey animals with a significant survival instinct do you handle on a daily basis? Let's see you out at the next volunteer work day at HAHS, then perhaps you have a leg to stand on. Until then, please be quiet."

Report

Reader001 wrote on April 15, 2009 5:59 p.m.

"It is not the norm for such a range of horse people to defend a seizure. This particular rescue has been suspect from the time it occurred, and HAHS choice of behavior upon its involvement has become equally disturbing. I do not believe all rescues would have complied with the publicity and speedy adoptions based on what was already being reported about this particular rescue through out the equine community. The Carriage company owner and employee did go to police on time and complied with all directions. "

Report

Reader001 wrote on April 15, 2009 6:03 p.m.

"I meant to write "It is not the norm for a range of horse people to defend the owners in a seizure" My bad "

[Report](#)

shyfilly78 wrote on **April 15, 2009 6:36 p.m.**

"2horseysgirls I saw pictures of the stalls these horses were taken from and they were not 6' deep in manure. additionally i think HAHS should have that "volunteer" day more often if they are accusing JC of having dirty stalls because the video shot on their property had poo piled everywhere in the run in shed that was being filmed with the horses. There was also plenty of horse apples lining the pastures the horses were grazing in. more apples than grass. These horses should not have been removed. Period."

[Report](#)

Me123 wrote on **April 15, 2009 7:03 p.m.**

"shyfilly78... I think that HAHS should have that volunteer day more often if they are accusing JC of having dirty stalls." Wow shyfilly... what a response. Perhaps you could show me where exactly HAHS is accusing them of anything?? Last time I checked, this problem with accusations came from animal control chicago... Hooved animal just tried to give these horses somewhere better to be. Green pastures certainly look like a much better life then city streets."

[Report](#)

shyfilly78 wrote on **April 15, 2009 7:47 p.m.**

"Me123: I wasn't directing that remark towards HAHS. I addressed 2horseysgirls comment where she implied that this was the situation here not in other scenarios. if you read my whole comment it is directed towards 2horseysgirls remarks listed above."

[Report](#)

Me123 wrote on **April 15, 2009 8:23 p.m.**

"My apologies then shyfilly... I had a slight misinterpretation then."

[Report](#)

2horseysgirls wrote on **April 15, 2009 8:28 p.m.**

"My apologies. I was not referring to the Cutter seizure with the 6ft of manure comment & I see how it could be misconstrued. (I was actually referring to the Capron seizure from last year.) Regardless of how many horse apples are anywhere, JC Cutter Carriage people have an attorney that they are asking for donations to help pay fees for. Why didn't their attorney find out what was necessary to bring them back into compliance? I am surprised that their attorney has not advised them to not air their defense in public before the court date."

[Report](#)

2horseysgirls wrote on **April 15, 2009 8:45 p.m.**

"I guess I am wondering, and have since the story broke, why the horses have been in temporary housing since last August, and why they were still downtown if the city had not renewed the company's license for 2009. They were seized on 2/6, which means they were downtown for 36 days (since 1/1) without working. Why keep them downtown during the appeal? Wouldn't it have been more considerate to the horses to take them outside the city for a break while appealing the license rejection? I hope this gets resolved in the best way for the people & horses."

[Report](#)

2horseysgirls wrote on **April 15, 2009 8:53 p.m.**

"shyfilly78: You are welcome to contact HAHS and offer your field picking services or any other helpful skills that you have. Volunteers can come out just about any day of the week. HAHS always appreciates people who want to donate their time and energy to helping the horses - thank you for your interest."

[Report](#)

astronomer wrote on **April 15, 2009 9:08 p.m.**

"How many horses do you take care, Astronomer? How many stalls packed 6 feet deep with horse manure have you pulled an 800lb animal out of recently?" I have several horses, and have raised them for over 40 years. I have dealt with hahs management over the past 10 years and saw two directors fired within that time because of their ignorant management styles which solidifies my comments."

[Report](#)

astronomer wrote on **April 15, 2009 9:11 p.m.**

"I have also assisted rescues down in the southern U.S. after katrina and dealt with situations so, terribly bad you could never image anything like it. Next time you attack someones comment, make sure that you have some solid facts to back up your comments with!"

[Report](#)

shyfilly78 wrote on **April 15, 2009 10:36 p.m.**

"2horseysgirls. I stopped supporting HAHS a long time ago as I have not agreed with their ways for many years. So needless to say, I won't be picking their pastures."

[Report](#)

quarterhorse101 wrote on **April 15, 2009 11:16 p.m.**

"WOW! Why dont all of you people get lives. Instead of making some ridiculous accusations about HAHS maybe you should all be more involved with the organization. Why isnt HAHS on the front page when they save an animal or ten? For only having a couple of employees i think the farm and the condition of ALL of the animals is great. HAHS does awesome work and I will always support them. YOU CANT BELIEVE EVERYTHING YOU READ PEOPLE! KEEP UP THE GOOD WORK HAHS...AND PLEASE MAKE SURE ALL OF THE HORSES FIND BETTER HOMES. GOD BLESS!"

[Report](#)

SWHuntley wrote on **April 16, 2009 3:14 a.m.**

"quarterhorse101, I'm sure these people are trying to make sure their lives aren't ripped out from under them, like the carriage horses were. I'm also sure some of these people were involved with HAHS, supported them, or called in cases in need of help. I have to laugh that when HAHS is questioned about procedures, they have to look in a manual for answers! It's sad HAHS will not take cases of neglect or abuse unless it's a story the news media is involved in."

[Report](#)

Lisa60014 wrote on **April 16, 2009 10:12 a.m.**

"ridiculous accusations "???? if HAHS would not get into these situations, the magnifying glass would not be upon them. They messed up BIG time and they look like an idiot organization for not following their OWN rules and playing into the City of Chicago propoganda. Their "lawyer" is an idiot too. Dr. Manke should go back to dealing with small animals - IMHO she is over her head. I used to support and defend these people - they can't even get their policies and procedures straight - even well before this mess they have landed in"

[Report](#)

2horseysgirls wrote on **April 16, 2009 10:59 a.m.**

"Astronomer: You are correct, but as the comments board is anonymous, how would I know your background? You know how much work is involved in horse care and rescue-why are you so upset about how much anyone at HAHS gets paid? They do not receive funding from your tax dollars, so why do you point this out every time a HAHS story runs? Shyfilly78: If you stopped supporting HAHS many years ago, maybe you should stop by & see how things have changed. Media coverage doesn't offer the whole picture, just a glimpse. You might be pleasantly surprised."

[Report](#)

suzy snowflake wrote on **April 16, 2009 11:01 a.m.**

"HAHS needs to stop the adoptions, and recind the adoption of the horse that has taken place, until such time as the legal ownership of these horses is established. I thought HAHS requires LEGAL paperwork and not someone's

"assurance" that all is in order before accepting/adoption horses out. Shame on you-HAHS. ... I supported you in the past, but no longer.....I am very disappointed in what once was a great organization."

[Report](#)

quarterhorse101 wrote on **April 16, 2009 11:18 a.m.**

"SWHuntley---"It's sad HAHS will not take cases of neglect or abuse unless it's a story the news media is involved in." How your really have no ideawhat you are talking about... what about General? Or what about all of the other starving near dead animals...NONE OF YOU PEOPLE REALLY NO WHAT YOU ARE TALKING ABOUT. HAHS was not the ones who even took the horses...the horses were signed over to them so they could find BETTER homes for them. So, HAHS does have ever right to adopt the horses out. They are theirs now. GET OVER IT!"

[Report](#)

Lisa60014 wrote on **April 16, 2009 11:38 a.m.**

"quarterhorse101 & 2horseysgirls: why don't you ask some members of the board abut their experieince on illinoishorse.com? The flip-flopping and not being able to give a STRAIGHT answer on policy and procedures alone changed many a mind about support. Here is a tip: 1)Create a policy 2) STICK TO IT. Simple as that actually, and something IMHO they have FAILED to do. I have tried to work with them and got nothing but a load of cr@p. My support goes elsewhere. thankyouverymuch!"

[Report](#)

Lisa60014 wrote on **April 16, 2009 11:39 a.m.**

"Edited to modify 1st sentence in above post: Members of the HAHS board"

[Report](#)

2horseysgirls wrote on **April 16, 2009 12:11 p.m.**

"I would love to ask those questions - can you give me the topic and date on illinoishorse.com so I can read up on it? I just went and searched the board for HAHS, and only 2 topics came up. neither one seemed related to policy or procedural questions. Please post them here, thanks!"

[Report](#)

Lisa60014 wrote on **April 16, 2009 12:17 p.m.**

"The link is embedded within the current HAHS topic. It also comes up as the third topic in the search. EZ to find. Hopefully as a volunteer for HAHS, you will be able to have some insight on the confusion of the procedures at HAHS for people with REAL abuse cases in the future."

[Report](#)

SWHuntley wrote on **April 16, 2009 12:26 p.m.**

"quarterhorse101, Yes. I do know what I'm talking about. I've called in a neglect case to HAHS and it never got taken care of. The horse was located in McHenry! Maybe 25 minutes from where HAHS is located. First they said I had to call AC. AC told me to call HAHS. The police told me to call HAHS! The horse was thin and had maggots coming out of it's eye socket. The small barn had empty feed bags on the floor. moldy hay in the loft, and no water in the trough HAHS told me the horse had shelter. NICE!"

[Report](#)

SWHuntley wrote on **April 16, 2009 12:38 p.m.**

"How legit is HAHS as a true horse rescue? None as far as I've experienced! I've heard far to many stories from other people who have also called HAHS to investigate horses in need to immediate help. HAHS's response to calls made is to call someone else. But HAHS sure does jump into action when the news media in involved!"

[Report](#)

BUC wrote on **April 16, 2009 1:19 p.m.**

"2horseysgirls, you sure were singing a different tune on the forums until HAHS got possession of these horses. You posted on 2 different horse forums all kinds of advice for the LEGAL owners. So you're either a beard member or your just ticked because no one fell at your feet over the advice. At any rate your a bit outnumbered so far on the ones who sing HAHS praises."

[Report](#)

2horseysgirls wrote on **April 16, 2009 1:42 p.m.**

"I just posted my response to the illinoishorse.com forum. Yes I offered advice & I don't care if people liked it or not. I am asking questions as they occur to me, since I don't know all the sides to this story. I am not on Mel & HD's side, or HAHS side - I am on the side of the horses. And I stand by my assertion that I find it hard to believe that HAHS is going to reach out from McHenry County to become embroiled in something nefarious downtown."

[Report](#)

Horseowner wrote on **April 16, 2009 2:08 p.m.**

"Perhaps you can go to midwest-horse.com when you find a minute and respond there also. illinoishorse seems to be a private board?"

[Report](#)

2horseysgirls wrote on **April 16, 2009 2:26 p.m.**

"Horseowner - just did."

[Report](#)

815 wrote on **April 16, 2009 2:45 p.m.**

"my take is that HAHS trusted chicago animal control had taken care of its legal obligations regarding these horses. now that it obvious that the owners were not given due process, the ball is now in HAHS court, they can easily right this wrong by nullifying the adoption and holding the horses in question until the matter is resolved legally. that is all. to nit pick and hold internet flame wars is counter productive and shining a bad light on the horse community as a whole "

[Report](#)

bayou_bengal wrote on **April 16, 2009 3:40 p.m.**

"If the HAHA is so innocent in this matter, why doesn't this group remove the J.C. cutter horses from its adoption list until AFTER the case has been heard in court and a judgment rendered? If they don't want to be "stuck in the middle" why are they party to the Chicago AC's attempt to dispose of these horses without due process? If all they are trying to do is "help" the horses, why don't they put a hold on adoption & ask for the return of the one they have already adopted out until AFTER the case is heard?"

[Report](#)

commentator wrote on **April 16, 2009 3:41 p.m.**

"While I absolutely agree with your statement 815, the fact of the matter is HAHS has NOT nullified the adoption nor have they put the process on hold for the remaining horses. The horse community certainly holds HAHS culpable & I have not doubt that will be reflected in future fundraising. See ya at the horse fair HAHS!"

[Report](#)

bayou_bengal wrote on **April 16, 2009 3:47 p.m.**

"So sorry, for calling HAHS "HAHA" in my last post - must have been a Freudian slip. Really though, this is the USA, and people are supposed to be presumed innocent, and not have their property taken from them without due process. Now that HAHS is aware of the situation - as I'm sure they are -- heck, I live in Louisiana and I have heard all about this case for weeks -- what is this group going to do to "make it right"? I saw pictures and video taken about time of seizure and these horses didn't look neglected/abused."

[Report](#)

bayou_bengal wrote on **April 16, 2009 4:03 p.m.**

"One more observation, then I'll quit. I couldn't help but notice that the pasture pictured along with this article, the one I guess, where the seized JC Cutter horses are being kept sure seems just a tad bit OVER GRAZED. My vet says that over-grazed pastures lead to all sorts of problems like sand colic and heavy parasite infestations AND they are usually more unsanitary than well-managed pastures -- just my little observation."
Report

shyfilly78 wrote on April 16, 2009 5:35 p.m.

"IMO, HAHS simply got involved with this case because of the media. They knew that the horses raised awareness by the media coverage and that they would be "quickly adopted" material. They look like heroes. Its the same ploy I see over and over again. 2horsegirls, I will not stop by and see how they are doing. I also have called them on abuse cases that weren't part of the media and they had no interest. There's no way to make any money off true abuse cases. That's where I stand"
Report



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EXHIBIT "J"
February 26, 2009 Agreed Order

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT-FIRST DISTRICT

THE CITY OF CHICAGO,
a municipal corporation,

Plaintiff,

v. *Ademo, LLC, et al*

Defendant(s).

No: 08M1401279
Re: 1501 N. Magnolia
Courtroom 1103, Daley Center

ORDER

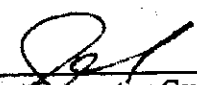
THIS CAUSE COMING to be heard on the set call, the Court being fully advised in the premises and having heard evidence and testimony:

IT IS HEREBY ORDERED THAT:

- ① Defendant J. C. Lutter agrees to remove the temporary stakes, within 30 days, by 3-26-09.
- ② The previous order not to occupy the southwest building is modified to allow use of the building for storage only, and may be accessed by essential personnel only for this purpose. No children under the age of 16 are allowed to access the ^{southwest} building at any time.
- ③ All prior orders not inconsistent with this order shall remain in full force and effect.

IT IS FURTHER ORDERED THAT this cause be continued to 6-25-09 at 9:30 a.m., courtroom 1103, Daley Center, without further notice, for hearing.

HEARING DATE: 2-26-09

By: 
Assistant Corporation Counsel
Mara S. Georges, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791

JUDGE DANIEL J. LYNCH
Judge Daniel Lynch
Courtroom 1103
FEB 26 2009
Circuit Court - 1789

1/2

GROUP EXHIBIT "K"
HAHS' Response

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April 28, 2009

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(815-2003)

Via US Mail and Facsimile: (847) 202-0122

Attorney John Robezniek
Attorney at Law
738 East Dundee Road, Suite 302
Palatine, IL 60074-2858

**RE: Six Horses (1501 North Magnolia)
Our File No. 400030.003**

Dear Attorney Robezniek:

I have spoke with Attorney Scott Sachnoff, Senior Counsel for the City of Chicago Law Department, in regards to the above-mentioned matter. He has informed me that all proper procedures were followed in regards to the impoundment of the six horses from JC Cutters, Inc.; and, that Chicago Animal Care and Control had rightful possession of those horses pursuant to Chicago Ordinance. Subsequent to Chicago Animal Care and Control taking possession of these horses, they transferred the animals into the Hooved Animal Humane Society to be adopted out as is allowed by law. My client has these horses in their possession and has already adopted out one horse. They have several individuals waiting to adopt the other horses that they currently have in their possession. Due to the fact that the City of Chicago has complied with all requisite statutes and ordinances, I believe that Chicago Animal Care and Control had rightful possession of the animals when they subsequently turned them over to my clients. Therefore, my client will continue with its process of adopting these horses out.

I will be out of the office at a law conference for the week of April 27th. Should you have any further questions in regards to this matter, please feel free to contact me the week of May 4th once I am back in the office.

Very truly yours,

Jody Beilke
JODY BEILKE

JLB:pa

JOHN ROBEZNIIEKS

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April 29, 2009

VIA FACSIMILE TRANSMISSION
815.962.1758

Jody Beike (815.962.6611)
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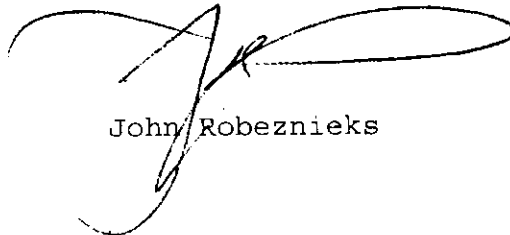
re: Wrongful Transfer of Horses
Impoundment of Six (6) Horses/1501 N. Magnolia - February 6, 2009
Animal Inventory No: 361401/402/403/404/405/406

Dear Ms. Beike:

The only possible response the City of Chicago could give you would be to state that they followed proper procedures. I would never expect them to have an epiphany, realize they wrongfully seized and transferred my clients' horses and then admit to improper conduct.

Be advised that we will be immediately filing suit in McHenry County to reclaim my clients' horses. Be on notice that we will be naming any individuals to whom your client has transferred my clients' horses as additional defendants.

Very truly yours,



John Robeznieks