

CAUSE NO. CVOC-20-0000171

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.,	§	IN THE DISTRICT COURT OF
	§	
	§	
Plaintiff,	§	
	§	
vs.	§	BANDERA COUNTY, TEXAS
	§	
BANDERA WRANGLERS,	§	
	§	
	§	
Defendant.	§	198TH JUDICIAL DISTRICT

**PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.'S
ORIGINAL PETITION FOR DECLARATORY JUDGMENT
AND FOR INJUNCTIVE RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff People for the Ethical Treatment of Animals, Inc. ("Plaintiff" or "PETA"), complaining of Defendant, Bandera Wranglers ("Defendant" or "Wranglers"), and for cause of action would respectfully show unto the Court as follows:

I.
DISCOVERY

1.1. Pursuant to Rule 190.3 of the *Texas Rules of Civil Procedure*, Plaintiff respectfully requests that discovery be conducted pursuant to Level 2 Discovery.

II.
PARTIES

2.1. PETA is a Virginia non-stock corporation and animal protection charity pursuant to Section 501(c)(3) of the *U.S. Internal Revenue Code*, with its headquarters located in Norfolk, Virginia. It is dedicated to protecting animals from abuse, neglect, and cruelty.

PETA works to achieve its mission through public education, cruelty investigation, research, animal rescue, legislation, special events, celebrity involvement, and protest campaigns. PETA brings this suit on its own behalf to protect its programs and resources, which have been perceptibly impaired by Defendant's actions in hosting the hog catch, as more particularly hereinafter described. By unlawfully abusing animals and maintaining a public nuisance, Defendant directly frustrates PETA's mission to eliminate the abuse of animals for entertainment.

- 2.1.1 PETA has incurred expenses investigating and documenting the cruelty to animals that occurs at the hog catch, communicating with law enforcement and other government entities about the event, and communicating with celebrity activists and the general public about the event.
- 2.1.2 Moreover, by misleadingly presenting itself as a lawful charitable event, Defendant creates the incorrect public impression that the cruelty perpetrated against pigs by Defendant is legal. Defendant continuing to abuse the pigs in violation of state law without repercussion creates the incorrect public impression that Defendant is engaged in conduct that is consistent with animal welfare when it forces pigs into violent altercations for human entertainment. PETA has incurred expenses educating the public in order to mitigate the effects of the incorrect public impression Defendants perpetuate regarding the legality of the hog catch.
- 2.1.3 Defendant's maintenance of a public nuisance has directly and proximately caused both the diversion and waste of PETA's limited resources because PETA incurred substantial costs in its efforts to both (a) counteract the public impression that Defendant's practices are consistent with animal welfare laws

and best practices, and (b) end the hog catch contest. Specifically, the expenses incurred identifying and counteracting Defendant's illegal and uniquely egregious activity has forced PETA to divert resources away from campaigns against other animal shows, menageries, roadside zoos and circuses, and away from funding animal rescues, among other efforts. While PETA normally devotes substantial resources to persuading the public against *legal* conduct that harms animals, the severity of Defendant's *illegal* conduct and the harm it causes the animals and the public warranted PETA diverting resources from those programmatic activities to address Defendant's unlawful conduct. PETA's additional efforts and expenditures would not be necessary but for Defendant's unlawful conduct. If PETA prevails in this action, PETA will not have to expend resources anymore to end the hog catch or correct public misimpressions created by Defendant.

2.2 Defendant is a Texas non-stock corporation and community organization, with its headquarters located at 2440 State Highway 16N, Bandera, Texas 78003. Defendant can be served through its registered agent Nicky L. Barron at 2440 State Highway 16N, Bandera, Texas 78003, or wherever found.

III. JURISDICTION AND VENUE

3.1 This Court has jurisdiction over this controversy pursuant to *Tex. Civ. Prac. & Rem. Code* § 37.003, *Tex. Civ. Prac. & Rem. Code* § 125.0015, *Tex. Civ. Prac. & Rem. Code* § 125.002, and *Tex. Gov't Code* § 24.008, because this is an action for declaratory and injunctive relief to abate a public nuisance.

3.2 This Court has jurisdiction over the Defendant because Defendant is incorporated under the laws of the State of Texas, Defendant's principal office is in the State of Texas, and Defendant carries on a continuous and systematic part of its general business within the State of Texas.

3.3 Venue is proper in this Court pursuant to *Tex. Civ. Prac. & Rem. Code* § 15.002(a)(1) and (3) because Bandera County is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred, and is also the county of Defendant's principal office in the State of Texas.

IV. BACKGROUND

4.1 PETA challenges Defendant's inhumane, cruel and abusive treatment of pigs at an event, now known as the "Bandera Ham Rodeo," that it organizes and hosts annually.¹ At the festival, Defendant forces the animals to endure a violent contest known as the "hog catch," during which humans chase, wrestle, tackle, drop, strike, bag and drag terrified pigs, for sport and spectacle ("hog catch"). The hog catch severely traumatizes the pigs, causing them fear, pain, and physical and psychological injuries. The hog catch has

¹Defendant previously marketed the festival as the "Bandera Bacon Bash." In prior years, it was hosted by other entities and referred to as the "Wild Hog Explosion."

resulted in humans, including children, being directly exposed to the terrified and injured animals' open wounds and blood, thereby presenting significant zoonotic disease risks.

4.2 The pigs Defendant uses at the annual hog catch experience physical and psychological suffering as a direct result of the inhumane conditions to which Defendant subjects them. Defendant's use of the pigs poses serious zoonotic disease and health risks to the public. In carrying on the hog catch, Defendant repeatedly and openly violates the Texas laws and regulations prohibiting cruelty to animals and protecting the public health and decency. Defendant's unlawful conduct offends the public health and morals, and constitutes a public nuisance.

V. **FACTS**

NATURE OF HEALTHY PIGS

5.1 Pigs are capable of feeling negative emotions such as pain, fear, and anxiety.

5.2 Pigs have sufficiently advanced cognitive ability that they have been observed engaging in complex tasks such as successfully learning to play computer games to receive a reward.

5.3 Pigs have their own capacity to distinguish and comprehend symbols and learn complicated combinations and sequences of symbolic cues.

5.4 Pigs have sufficiently advanced emotional ability that they have been observed to exhibit emotional contagion, a capacity thought to be the basis for empathy, or the ability to feel the emotional state of another.

5.5 Pigs demonstrate the ability to not only anticipate an event but to adjust their current behavior in anticipation of a future event.

- 5.6 Pigs demonstrate the capacity for quantitative discrimination and object-location memory when performing activities, such as foraging.
- 5.7 Pigs demonstrate the capacity to recognize attentive states of other pigs and humans, including understanding eye and head orientation as it relates to attention.
- 5.8 Pigs demonstrate the capacity to understand indications by humans, like pointing.
- 5.9 Pigs are highly social and playful animals, and the extent of their play and exploration with other pigs reflects the varying degrees of social relationships.
- 5.10 Healthy pigs can flourish well into their teen years in enriching environments.
- 5.11 Pigs are protective of their young and form strong bonds with other pigs.
- 5.12 Healthy pigs are clean animals, but they do not sweat as humans do, so they prefer cool surfaces, such as mud, to help regulate their body temperature.

ZOONOTIC DISEASE RISK OF UNHEALTHY PIGS

- 5.13 A zoonotic disease is an infection that can be transmitted from animals to humans, such as the coronavirus disease known as COVID-19, which is believed to have originated in a Chinese live-animal market.
- 5.14 The Texas Animal Health Commission reports that 10% of feral hogs in Texas carry brucellosis—and about half of all human cases of brucellosis reported last year in Texas were of the strain originating in pigs. The U.S. Centers for Disease Control and Prevention states brucellosis is an infectious bacterial disease that can cause a range of temporary or permanent signs and symptoms, including fever, sweats, malaise, anorexia, headache, muscle and joint pain, fatigue, arthritis, testicular swelling, swelling of the heart, and swelling of the liver or spleen.

5.15 According to veterinary microbiologists from the U.S. Department of Agriculture and the University of Georgia College of Veterinary Medicine, brucellosis is “widespread in feral swine in the United States” and the potential for transmission of the disease to humans is “significant.”

5.16 Feral pigs also carry leptospirosis, salmonella, tularemia, influenza A, and vesicular stomatitis, all of which can be transmitted to humans through contact with infected animals.

DEFENDANT’S CRUELTY TO THE PIGS AT THE EVENT AND ITS EFFECT ON THE PUBLIC

5.17 Upon information and belief, the Bandera, Texas community has hosted some form of the event featuring the “hog catch” contest every year since 2002 at Mansfield Park, 2886 State Highway 16 N., Bandera, Texas 78003 (“Mansfield Park”).

5.18 Upon information and belief, Bandera County, Texas owns Mansfield Park.

5.19 Defendant charges an admission fee for the festival, which both competitors and spectators of the hog catch contest must pay in order to participate in that contest.

5.20 The two-day festival is a fundraiser at which concerts, barbecues, pageants, games, and contests occur, including the hog catch contest.

5.21 Plaintiff challenges only the hog catch contest, during which Defendant publicly, repeatedly, and intentionally causes animal suffering by abusing pigs in violation of Texas law and regulations as described below.

5.22 Upon information and belief, the pigs Defendant uses at the annual hog catch are either: (a) feral pigs captured in the wild in the weeks and months prior to the event by persons associated with Defendant, or (b) feral pigs previously captured in the wild by

independent persons or local ranchers or farmers who loan or donate the pigs to Defendant for the event.

5.23 In the past, Defendant has housed the pigs illegally in a facility unapproved by the Texas Animal Health Commission.

5.24 In 2019, the Texas Animal Health Commission issued an official warning to Defendant for illegally keeping feral pigs without a permit.

5.25 Defendant hosted the 2019 hog catch on or about March 16, 2019.

5.26 Defendant hosted the 2020 hog catch on or about March 14, 2020.

5.27 Upon information and belief, Defendant allows members of the general public, including children, to compete in the hog catch contest.

5.28 Upon information and belief, Defendant allows members of the general public, including children, to spectate the hog catch contest.

5.29 Upon information and belief, Defendant allows members of the general public, including children, to interact with the pigs used in the hog catch contest, either before or after the pigs' use in the hog catch contest.

5.30 The hog catch contest is a competition in which a team of two human adults or teenagers chase and attempt to catch and bag a frantic adult or juvenile pig, inside of a fully enclosed circular arena, surrounded by human spectators and other pigs held in cages and pens directly adjacent to the arena.

5.31 Upon information and belief, the circular arena in which the hog catch occurs has an approximate radius of twenty-five (25) feet.

5.32 Upon information and belief, the object of the hog catch contest is to secure and fully confine the pig in a burlap sack-like bag, and then drag the bagged pig across a designated line, in the fastest time possible.

5.33 Upon information and belief, in addition to the human competitors, at least one human timekeeper and/or referee is inside the arena during the hog catch.

5.34 The rules of the hog catch contest are modified for child competitors such that a large group of children chase around a large group of piglets with the object of each child successfully touching any piglet as quickly as possible. Upon information and belief, children as young as three or four years old participate in the modified hog catches for children.

5.35 Upon information and belief, no licensed veterinarian or veterinary technician is inside the arena or present at Mansfield Park during the hog catch to promptly treat injured animals.

5.36 Upon information and belief, the arena in which the hog catch occurs features a sand and/or dirt substrate.

5.37 Upon information and belief, the arena in which the hog catch occurs is enclosed by heavy metallic fencing approximately five (5) feet tall.

5.38 Defendant does not penalize persons for tackling, wrestling, or striking the pigs, or grabbing or dragging the pigs by their forelegs, hind legs, snouts, ears or tails.

5.39 Human competitors in the hog catch routinely tackle pigs during the event.

5.40 Human competitors in the hog catch routinely wrestle and slam pigs during the event.

5.41 Human competitors in the hog catch kick, slap or strike pigs during the event.

5.42 Human referees and/or timekeepers in the hog catch routinely drag pigs around the arena, likely causing sand and dirt to get into the pigs' mouths, nostrils, eyes, and ears, as well as in any open wounds the pigs have.

5.43 Human competitors in the hog catch routinely catch pigs by their forelegs, hind legs, snouts, ears or tails during the event.

5.44 It is extremely painful to the pigs to be caught and/or dragged by their forelegs, hind legs, ears or tails.

5.45 Dragging pigs by their forelegs or hind legs can result in the pigs suffering muscle and tissue tears, dislocations, sprains and bone fractures.

5.46 Pigs being chased by humans during the hog catch routinely scream in terror.

5.47 Pigs being chased by humans during the hog catch injure their heads trying to ram through the arena's heavy metallic fencing to escape their tormentors.

5.48 Pigs being chased by humans during the hog catch have sustained lacerations, which results in their blood contaminating their bodies, the arena and the humans chasing them.

5.49 Pigs yet to be chased in a hog catch, and pigs who have been used in a hog catch, are held packed in small heavy metallic cages and pens directly adjacent to the arena.

5.50 Upon information and belief, pigs held packed in the small heavy metallic cages and pens directly adjacent to the arena can hear the screams and perceive the injuries and plight of the pigs being chased and tormented in the arena.

5.51 Pigs held packed in the small heavy metallic cages and pens directly adjacent to the arena often huddle close together out of fear and to attempt to reassure and comfort each other.

5.52 Upon information and belief, the pigs have sufficient cognitive and emotional faculties to experience extreme pain, fear, dread, and stress during the hog catch, and do in fact experience extreme pain, fear, dread and stress during the hog catch.

5.53 The pigs' advanced cognitive abilities make them particularly susceptible to stress during the hog catch. They are forced into an entirely novel situation, having been captured from the wild and unaccustomed to human contact or being confined. Accordingly, these conditions are inherently and substantially stressful to them, and will cause an aggressive physiological response, akin to being subjected to a prolonged hunt by a predator but without any means of escape.

5.54 Upon information and belief, one or more announcers and/or color commentators narrates the hog catch for the benefit of the spectators, and routinely goads and encourages the competitors to be aggressive or violent with the pigs while narrating the hog catch.

5.55 During the 2019 hog catch for human adults, an announcer and/or color commentator encouraged a competitor chasing a pig in the arena by stating, "There we go. Get that pig. Grab that porker by the ears."

5.56 During the 2019 hog catch for human adults, an announcer and/or color commentator stated, "These pigs are not happy," in response to a pig screaming and frantically wriggling inside a bag the animal had just been sealed in.

5.57 During the 2019 hog catch for human adults, an announcer and/or color commentator stated, "Don't worry folks, that's pig's blood, not hers," in response to a female competitor's clothing becoming suddenly stained with blood after she wrestled a pig.

5.58 During the 2019 hog catch for human adults, an announcer and/or color commentator encouraged a competitor to "swing him by his little piggy tail."

5.59 During the 2019 hog catch for human children, an announcer and/or color commentator ordered a large group of children chasing a large group of piglets in the

arena to “Chase them down. Get them. Touch them.” A referee or timekeeper shouted an order that a child chasing the pigs in the arena should “Get that pig. Jump on him. Jump on him. Grab him.”

5.60 During the 2020 hog catch for human adults, an announcer and/or color commentator stated, “I just want the crowd to know anytime it sounds like I’m being sympathetic to the hogs, this is what you call sarcasm. I’m not sympathetic to these hogs. Funny story: An organization that rhymes with ‘people ... eating tasty animals’ put out a video last year and used my voice on it, saying that I was concerned about their welfare. Let me give it to you straight from my mouth. I am not.”

5.61 During the 2020 hog catch for human children, an announcer and/or color commentator stated, “OK, they’re just about worn out,” in response to the piglets appearing exhausted after being chased around the arena by the children for several minutes. The piglets were forced to remain in the arena and continue to be chased for several additional minutes even after the announcer and/or color commentator publicly observed the piglets’ exhaustion.

5.62 During the 2020 hog catch for human adults, several of the pigs attempted to bite competitors.

5.63 Upon information and belief, during the 2020 hog catch, a pig succeeded in biting a competitor, thereby causing the competitor an injury serious enough to require immediate medical attention.

5.64 During the 2020 hog catch for human adults, in response to a pig screaming continuously and particularly loudly after being captured by competitors, an announcer and/or color commentator stated, “Woo. Hamadeus Mozart over here—he was singing a song.”

5.65 Upon information and belief, Defendant does not have any system in place to track how many times any particular pig is released into the arena to be used in a hog catch round. Upon information and belief, some pigs are used in multiple hog catch rounds with different competitors within short periods of time.

5.66 The hog catch contest encourages people, including children, to scare, harm, and torment animals.

5.67 The hog catch contest constitutes an offensive display in a public place which tends to incite an immediate breach of the peace.

5.68 The hog catch contest threatens to disturb the tranquility enjoyed by the citizens of Texas by violating state criminal and public health laws.

5.69 The hog catch contest threatens to disturb the tranquility enjoyed by the citizens of Texas by encouraging cruelty to animals and desensitizing persons to gratuitous violence against animals, thereby increasing Texas citizens' risk of themselves becoming victims of violent crime. Substantial scientific and statistical evidence establishes a significant link between perpetrators' cruelty to animals and violence against humans.

5.70 The hog catch contest threatens to disturb the tranquility enjoyed by the citizens of Texas by exposing adults and children to significant zoonotic disease risks, thereby increasing Texas citizens' risk of becoming infected, including during a public health epidemic.

5.71 Defendant's abuse of the pigs is not only detrimental and dangerous to the animals, it also poses a threat to public health and safety.

5.72 The public is endangered by pigs ramming, or otherwise attempting to escape from, the enclosures due to psychological and physical distress.

5.73 There are insufficient employees, agents or volunteers of Defendant working at the event who are qualified and trained to care for the animals and protect the State of Texas from the public health and public safety risks posed by abused animals.

5.74 The inhumane conditions the animals endure due to Defendant's neglect and abuse poses a threat of both animal and human injury and illness, including public safety risks from the excessive amounts of exposed pig blood, urine and feces, and infections and/or diseases which may result from the uncontrolled public interaction between humans and the pigs.

5.75 Texas law prohibits any person from "intentionally, knowingly, or recklessly . . . tortur[ing] an animal or in a cruel manner kill[ing] or caus[ing] serious bodily injury to an animal." *Tex. Penal Code* § 42.092(b)(1). The statute defines "torture" as including "any act that causes unjustifiable pain or suffering." *Id.* § 42.092(a)(8).

5.76 Texas law classifies and codifies the cruelty to animal prohibitions as "offenses against public order and decency," and as "related" to the offense of disorderly conduct. *See Tex. Penal Code* Title 9, Chapter 42.

5.77 Texas law prohibits any person from maintaining a "common nuisance." *Tex. Civ. Prac. & Rem. Code* § 125.0015. The statute defines "common nuisance" to include "a place to which persons habitually go . . . [to engage in] disorderly conduct as described by Section 42.01, *Penal Code*." *Tex. Civ. Prac. & Rem. Code* § 125.0015(a)(24). Texas law defines "disorderly conduct" to include "mak[ing] an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace." *Tex. Penal Code* § 42.01(a)(2). Texas courts interpret "tends to incite an immediate breach of the peace," within the meaning of the Texas disorderly conduct statute, as an act that disturbs or threatens to disturb the tranquility enjoyed by the citizens.

5.78 Texas law prohibits any person from maintaining a “public health nuisance.” *Tex. Health & Safety Code* § 341.011. The statute defines “public health nuisance” to include “a place, condition, or building controlled or operated by a state or local government agency that is not maintained in a sanitary condition,” “sewage, human excreta, wastewater, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission to a person or between persons,” and “an object, place, or condition that is a possible and probable medium of disease transmission to or between humans.” *Id.* §§ 341.011(4), (5), and (12).

5.79 Additionally, in Texas, persons dealing with swine must comply with specific permitting, care, treatment, transportation, sanitation, and containment regulations regarding the animals. *See Texas Administrative Code* § 55.9. *See also Texas Agric. Code* § 161.1375.

5.80 Captured feral swine may only be transported to and held at facilities approved by the Texas Animal Health Commission. *Texas Administrative Code* § 55.9(b). Noncompliance is a *separate* Class C misdemeanor in Texas for *each* feral hog who is moved or permitted to be moved in violation of the regulations. *Texas Agric. Code* § 161.1375(b).

VII.

CAUSES OF ACTION

COUNT I: COMMON LAW PUBLIC NUISANCE

6.1 PETA adopts by reference the allegations contained in the foregoing paragraphs of this Petition, including all attached exhibits, with the same effect as if herein fully set forth.

6.2 Defendant’s conduct as described herein constitutes a violation of *Tex. Penal Code* § 42.092(b)(1).

6.3 Defendant's conduct involves a substantial interference with the public health, the public safety, the public peace, the public comfort, or the public convenience, and is therefore a public nuisance.

6.4 Defendant's conduct openly, publicly, and intentionally violates the cruelty to animals laws and regulations of the State of Texas, and is therefore a public nuisance.

6.5 Defendant's conduct is of a continuing nature, has an unreasonable effect upon the public right, and injures a substantial number of people, and is therefore a public nuisance.

6.6 There is no other pending or resolved civil action arising out of the public nuisance alleged by PETA herein as against Defendant.

6.7 An actual controversy exists because Defendant's maintaining a public nuisance violates PETA's rights, and the rights of the general public.

6.8 Unless restrained, Defendant will continue to maintain a public nuisance in violation of PETA's rights, and the rights of the general public.

6.9 PETA has no adequate remedy at law and without the injunction requested, there will be a multiplicity of litigation for each repeated wrong.

COUNT II: STATUTORY PUBLIC HEALTH NUISANCE

6.10 PETA adopts by reference the allegations contained in the foregoing paragraphs of this Petition, including all attached exhibits, with the same effect as if herein fully set forth.

6.11 Defendant's conduct as described herein constitutes a violation of *Tex. Health & Safety Code* § 341.011(4).

6.12 Defendant's conduct as described herein constitutes a violation of *Tex. Health & Safety Code* § 341.011(5).

6.13 Defendant's conduct as described herein constitutes a violation of *Tex. Health & Safety Code* § 341.011(12).

6.14 Defendant's conduct involves a substantial interference with the public health, the public safety, the public peace, the public comfort, or the public convenience, and is therefore a public health nuisance.

6.15 Defendant's conduct openly, publicly, and intentionally violates the public health laws and regulations of the State of Texas and is, therefore, a public health nuisance.

6.16 Defendant's conduct is of a continuing nature, has an unreasonable effect upon the public right, and injures a substantial number of people, and is therefore a public health nuisance.

6.17 There is no other pending or resolved civil action arising out of the public health nuisance alleged by PETA herein as against Defendant.

6.18 An actual controversy exists because Defendant's maintaining a public health nuisance violates PETA's rights, and the rights of the general public.

6.19 Unless restrained, Defendant will continue to maintain a public health nuisance in violation of PETA's rights, and the rights of the general public.

6.20 PETA has no adequate remedy at law and without the injunction requested, there will be a multiplicity of litigation for each repeated wrong.

COUNT III: STATUTORY COMMON NUISANCE

6.21 PETA adopts by reference the allegations contained in the foregoing paragraphs of this Petition, including all attached exhibits, with the same effect as if herein fully set forth.

6.22 Defendant's conduct as described herein constitutes a violation of *Tex. Penal Code* § 42.01(a)(2).

6.23 Defendant's conduct as described herein constitutes a violation of *Tex. Civ. Prac. & Rem. Code* § 125.0015(a)(24).

6.24 Defendant's conduct involves a substantial interference with the public health, the public safety, the public peace, the public comfort, or the public convenience, and is therefore a common nuisance.

6.25 Defendant's conduct openly, publicly, and intentionally violates public order and decency laws of the State of Texas and is, therefore, a common nuisance.

6.26 Defendant's conduct is of a continuing nature, has an unreasonable effect upon the public right, and injures a substantial number of people, and is therefore a common nuisance.

6.27 There is no other pending or resolved civil action arising out of the common nuisance alleged by PETA herein as against Defendant.

6.28 An actual controversy exists because Defendant's maintenance of a common nuisance violates PETA's rights, and the rights of the general public.

6.29 Unless restrained, Defendant will continue to maintain a common nuisance in violation of PETA's rights, and the rights of the general public.

6.30 PETA has no adequate remedy at law and without the injunction requested, there will be a multiplicity of litigation for each repeated wrong.

VII.

CONDITIONS PRECEDENT

7.1 All Conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

VIII.
REQUEST FOR DISCLOSURE

8.0 Under *Texas Rule of Civil Procedure* 194, Plaintiff requests that the Defendant disclose, within fifty (50) days from the date of the service of this request, the information or material described in Rule 194.2.

IX.
OBJECTION TO ASSOCIATE JUDGE

9.0 Plaintiff objects to the referral of this case to an associate judge for hearing at a trial on the merits or presiding at a jury trial.

X.
RULE 193.7 NOTICE

10. Plaintiff hereby gives notice, pursuant to Tex. R. Civ. P. 193.7, that it may offer into evidence any document produced in discovery. Accordingly, any objection as to authenticity of a produced document must be made within ten days of production of the document either on the record or in writing stating the specific basis for the objection.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays Defendant be cited according to law to appear and answer herein; that after due notice and hearing, a temporary injunction be issued against Defendant, its officers, agents, servants, employees, and any other person in active concert or participation with the Defendant, enjoining Defendant from conducting, holding, sponsoring, endorsing, maintaining or in any other way participating in, or encouraging others to participate in any further "hog catch" contests, whether at the event or otherwise during the pendency of this lawsuit.

That upon trial on the merits of this cause the temporary injunction be made into a permanent injunction.

Plaintiff further prays that, upon trial on the merits, this Court enter a declaratory judgment declaring Defendant's continuation of the "hog catch" contest is inherently inhumane and is therefore a public nuisance;

Plaintiff prays that it be awarded its reasonable and necessary attorneys' fees incurred in bringing this lawsuit and for any successful appeal from the judgment in this cause.

Plaintiff pray for all such additional or further relief, at law or in equity, to which it may be justly entitled.

Respectfully submitted,

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**pro hac vice* motion forthcoming

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