

January 30, 2018

VIA FIRST-CLASS MAIL AND E-MAIL

Matthew D. Weintraub, District Attorney
 Office of the District Attorney
 Bucks County Justice Center
 100 N. Main St.
 Doylestown, PA 18901
BucksDA@co.bucks.pa.us

Dear Mr. Weintraub:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) and its 178,000 members and supporters in Pennsylvania to request an investigation into a recent act of apparent cruelty to animals at Parx Racing, a racetrack and casino in Bensalem, and that your office pursue all appropriate charges.

On January 2, 2018, the official track condition at Parx was “frozen.”¹ The weather forecast predicted a high temperature of 25 degrees and wind chills in the teens,² after six prior days of temperatures in the teens and twenties.³ The dangers of working horses on frozen ground are well known and severe.⁴ Frozen ground does not “give,” leading to increased concussive forces on a horse’s feet and legs and greater strain on the tendons; fast work exacerbates the problems, and racing a horse on such footing is analogous to racing a horse on concrete—something no trainer would do. Frozen ground can be just as dangerous as ice because it lacks traction, and horses can slip and strain or damage soft tissue or suffer a fracture or other life-ending injury. Despite these treacherous conditions and the known risk of serious injury—particularly when running with force and speed as in racing—Parx officials went ahead with the day’s races. In the first race, Lust for Money, a seven-year-old gelding, “broke poorly, went wrong and fell completing a half-mile then was euthanized,” according to the racing industry database Equibase.⁵ Video⁶ of the race at the time of the breakdown shows the jockey, Lery Pinero, sprawl onto the ground; the track announcer says,

¹ Chart for Race 1, Jan. 2, 2018, Parx Racing, Equibase, <http://www.equibase.com/premium/chartEmb.cfm?track=PRX&raceDate=01/02/2018&cy=USA&m=1>.

² Parx’s Tuesday Card Cancelled after Horse Falls, Is Euthanized in First Race, Paulick Report, Jan. 2, 2018, <https://www.paulickreport.com/horseplayers-category/parxs-tuesday-card-cancelled-horse-falls-euthanized-first-race/> (last visited Jan. 25, 2018).

³ See Accuweather, <https://www.accuweather.com/en/us/bensalem-township-pa/19020/month/330251?monyr=12/01/2017> (last visited Jan. 25, 2018).

⁴ See, e.g., Heather Smith Thomas, *Care and Management of Horses* 280 (2004); How to Keep Your Horse Safe on Frozen and Icy Ground, Pro Equine Grooms, <http://www.proequinegrooms.com/tips/barn-management/frozen-ground-keep-your-horse-safe/> (last visited Jan. 26, 2018).

⁵ Chart for Race 1, *supra* note 1.

⁶ See Equibase race replay at approximately 1:08 (hyperlinked [here](#) and included as hyperlink in email accompanying this letter).

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PETA FOUNDATION IS AN
 OPERATING NAME OF FOUNDATION
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AFFILIATES:

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- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

“And we have a horse and rider down. Lust for Money has gone down approaching the top of the stretch. Lust for Money has gone down.” Only after Lust for Money was destroyed did Parx cancel the remainder of the day’s card.⁷

The dangers of a frozen track are long understood in the racing industry. For example, an official at Hollywood Gaming Race Track recently stated, “Once the ice got into the track—it was frozen, temperatures staying below freezing—just didn’t give us an opportunity to put a safe track out there for the horses or for the jockeys.”⁸ Parx officials’ knowledge of the hazards of racing horses on a frozen track is apparent from the fact that they canceled races due to a frozen track on December 26.⁹

As you know, Pennsylvania prohibits a person from “intentionally, knowingly or recklessly illtreat[ing], overload[ing], beat[ing], abandon[ing] or abus[ing] an animal,”¹⁰ which is aggravated cruelty to animals if the animal dies as a result.¹¹ One acts knowingly when he or she is aware of the nature of his or her conduct or the existence of circumstances constituting an element of the offense.¹² To “illtreat” an animal is “to treat [the animal] cruelly or improperly.”¹³

Parx officials¹⁴ knowingly raced Lust for Money and other horses on a track that was treacherous and frozen, which causes footing to be as slippery as ice and harder than concrete. As a result, Lust for Money did lose his footing, fell, was injured, and was euthanized. Such illtreatment is in apparent violation of Pennsylvania’s statute prohibiting aggravated cruelty to animals. Accordingly, PETA respectfully requests an investigation into Lust for Money’s suffering and death and the pursuit of all appropriate charges.

⁷ Parx’s Tuesday Card Cancelled, *supra* note 2.

⁸ Horses Racing Again at Hollywood Gaming in Austintown As Ice Melts: Five Racing Days Had To Be Canceled at Austintown’s Hollywood Gaming Race Track After Water Seeped Into the Track and Froze, WYTV, Jan. 22, 2018, <http://wytv.com/2018/01/22/horses-racing-again-at-hollywood-gaming-in-austintown-as-ice-melts/> (last visited Jan. 26, 2018).

⁹ Parx Racing Cancels Tuesday’s Live Program Due To Frozen Track, Paulick Report, Dec. 26, 2017, <https://www.paulickreport.com/horseplayers-category/parx-racing-cancels-tuesdays-live-program-due-frozen-track/> (last visited Jan. 26, 2018) (“‘We had a lot of rain and it froze hard,’ said Sam Elliott, director of racing for the suburban Philadelphia racetrack and casino. ‘Gerard (track superintendent Gerard Weipert) thought he could get the track ready but the sun never came out. It’s the normal winter freeze/thaw problem.’”). Parx canceled races on December 31 and January 1 due to the weather, as well, perhaps causing financial pressures that may have factored into the decision to take a deadly risk on January 2.

¹⁰ 18 Pa. Cons. Stat. Ann. § 5533.

¹¹ *Id.* § 5534.

¹² *Id.* § 302(b)(2).

¹³ Webster’s All-in-One Dictionary & Thesaurus 325 (2d ed. 2013).

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Thank you in advance for your attention to this matter. Please contact me with any questions at ElisabethC@petaf.org or (804) 839-6136. PETA can offer assistance with expert testimony to aid in any prosecution. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Elisabeth Custalow". The signature is written in black ink and is positioned above the printed name.

Elisabeth Custalow
Counsel