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Special Counsel for Defendant
BARBARA LAIRD

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

GENTLE GIANTS RESCUE AND)
ADOPTIONS, INC., a California)
Non-Profit Public Benefit)
Corporation, BURT WARD, an)
Individual, and TRACY WARD, an)
Individual,)

Plaintiffs,

vs.

BARBARA LAIRD, an Individual,)
MARC SAYER, an Individual,)
JAIME GARCIA, an Individual,)
RENEE BRODEN, an Individual,)
and DOES 1 through 100, Inclusive,)

Defendants.

Case No. 05CC09035

INDEX OF DECLARATIONS AND
DECLARATIONS OF BARBARA LAIRD AND
PAUL CLIFFORD IN SUPPORT OF LAIRD'S
SPECIAL MOTION TO STRIKE THE
COMPLAINT AS A MERITLESS SLAPP (C.C.P.
§425.16)

Date: January 3, 2006
Time: 1:45 p.m.
Dept.: C-7
Judge: Hon. Derek G. Johnson

Complaint Filed: August 8, 2005
Trial Date: None Set

[Filed in conjunction with defendant's notice of
motion, memorandum of points and authorities,
compendium of federal authorities, request for
judicial notice, and proof of service]

1. DECLARATION OF BARBARA LAIRD
2. DECLARATION OF PAUL CLIFFORD

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Exhibit 1. DECLARATION OF BARBARA LAIRD

1 **DECLARATION OF BARBARA LAIRD IN SUPPORT OF SPECIAL MOTION TO**
2 **STRIKE THE COMPLAINT**

3 I, Barbara Laird, declare:

4 1. I have personal knowledge of the facts contained in this declaration, unless
5 otherwise indicated. If called upon to testify I am competent to do so. The documents attached
6 to this declaration are true copies of what they purport to be.

7 2. I am 41 years old and have lived in Southern California all of my life. I grew up
8 with four brothers and sisters, I am the youngest. Also members of our family were two beagles,
9 one black cat, snakes, rats & mice (to feed the snake, but some remained as pets). I spent my
10 summers traveling all around the US with my parents exploring many rivers and mountains.
11 After our beagles passed away of old age, they were replaced with a Black Labrador. She was a
12 great dog. We bred her once and received a beautiful litter of pups. I kept one of them.

13 3. When I turned 18 years old, I also got pregnant. I chose to keep the baby and raise
14 my child myself. This left me in quite a difficult situation, raising this child without a husband
15 or a helper. This was a long 18 years. Most of those 18 years raising my daughter, I was not
16 financially in a position where I could also have a dog. So, to fulfill my need for canine
17 affection, I volunteered for a dog and cat rescue organization. I became very involved,
18 eventually becoming an officer of the board of directors. I brought a lot of dogs and cats into my
19 home, acclimated them to home living, got them ready to live with a new family, then adopted
20 them out. This was a lot of work, but it was very satisfying knowing that the dogs and cats are in
21 wonderful, loving homes to spend the rest of their lives. If I was successful in placing the dog or
22 cat, then I did my job right.

23 4. Eventually, a dog found her way into my life again. My dad had a lab/husky mix
24 (Boots) that he was no longer able to care for, so I got this dog. Boots was three years old when
25 she came to live with us (myself and my daughter) and she lived to be thirteen years old. In
26 October of 2004, Boots was put to sleep because of bone cancer.

27 5. At that time my career was doing well, I was quite busy and would be gone away
28 from home for long hours during the days. Not having the “responsibilities” of having a dog

1 sounded pretty good to me. That only lasted three months. I missed having a dog. I liked the
2 companionship that a dog provides. I liked to have a dog greet me when I got home (my
3 daughter is all grown up now and has moved out), plus, I like the security a dog provides. So, I
4 started exploring all the breeds out there, looking for “just the right kind of dog”. I wanted one
5 with short hair, a mellow temperament, one that would get along well with my four cats, and I
6 wanted a big dog. A Great Dane fit perfectly.

7 6. I did a lot of research before making this decision. I learned very quickly about
8 lots of health problems that Danes are more susceptible to than are other dogs. I also learned
9 about the importance of the dietary intake for the Dane. What high maintenance this “little
10 doggie” will be, I thought, but nonetheless, this is not beyond what is manageable for me and is
11 WELL worth it. So then I investigated the best brand and type of food to feed my soon-to-be
12 new companion. In the past, I had a great working relationship with a pet food delivery service
13 in Huntington Beach, VIP Pet Food Delivery, run by Cathy Cunningham. So I called her. I
14 discovered that she too has Great Danes. Cathy suggested that I feed my future Dane Eagle Pack
15 dog food. Because of Cathy’s experience with Danes, I valued her advice. I also sent an e-mail
16 to more than 200 breeders, handlers, and rescuers and asked them what food they recommended
17 for a healthy Dane. More than 100 of them responded and more than 40 recommended Eagle
18 Pack dog food as well.

19 7. I then located a Great Dane rescue organization called Gentle Giants Rescue and
20 Adoptions in Norco, California, operated by Burt and Tracy Ward. Through this organization I
21 adopted my very first Great Dane on January 30, 2005. He is a three year old neutered male. He
22 appeared to be in excellent health -- not underweight, skin and coat in good condition, very alert
23 and responsive to his environment. He introduced himself to me by gently jumping up, placing
24 his forearms on my shoulders, looking into my eyes and telling me (with his eyes) that he would
25 really LOVE to go home with me. Well, that did it, I fell in love with him. He was the dog for
26 me. On the way home, I renamed him Samson (“Samson” fit ... he liked the name too). Tracy
27 Ward provided me with a plastic bag of pills, some of which she indicated were antibiotics and
28 some of which she indicated were anti-diarrhea medication. She told me that I should give them

1 to Samson. While I was comfortable giving Samson the anti-diarrhea medicine, I did not want
2 to give him antibiotics which were of an unknown age and may have been out-of-date for all I
3 knew. She did not provide me with Samson's vaccination record -- she told me that she would
4 have to locate it and provide it to me at a later date. To this day, I have not received Samson's
5 vaccination record.

6 8. When I adopted Samson, Tracy Ward recommended that I feed him Pedigree
7 brand dog food. Samson had diarrhea, so after about three weeks, I gradually switched
8 Samson's food to Eagle brand, as that is what had been recommended to me by various Great
9 Dane handlers, breeders, and trainers. In early April 2005, I mentioned to Tracy Ward in an e-
10 mail that I had switched Samson's food. Tracy Ward objected to this, and on April 11, 2005,
11 Burt Ward sent me via e-mail a "Notice of Violation of Adoption Agreement and Notice of
12 Intent to Repossess Samson." Attached hereto as Exhibit A is a true copy of said e-mail. I told
13 the Wards that there was no clause in the adoption agreement which required that I feed Samson
14 a particular brand of food. Nonetheless, on April 13, 2005, I received another e-mail from Burt
15 Ward stating their intention to repossess Samson, because I had changed his food. The Wards
16 gave me 24 hours to return Samson or they would take legal action against me. Attached hereto
17 as Exhibit B is a true copy of said e-mail. I then received a letter from the Wards' attorney,
18 dated April 14, 2005, reiterating their demand that I confirm that I had switched Samson back to
19 Pedigree food, and their intention to take action to repossess Samson if I did not. A true copy of
20 this letter is attached hereto as Exhibit C. I received another letter from the Wards' attorney,
21 through my attorney, dated May 12, 2005, which again demanded that I confirm that I had
22 switched Samson back to Pedigree brand food. The letter states further "If this is not the case,
23 my client is adamant about moving forward with repossession of the animal." Attached hereto
24 as Exhibit D is a true copy of said letter. I then received another letter from the Wards' attorney,
25 through my attorney, dated May 19, 2005, requesting confirmation that I had switched Samson
26 back to Pedigree brand food, or food which could be bought directly from Gentle Giants. He
27 stated that if I failed to comply, his clients would proceed with legal action to repossess Samson.
28 Attached hereto as Exhibit E is a true copy of said letter.

1 9. On May 26, 2005, I contacted the City of Norco Animal Control Department and
2 inquired about what I should do about Samson's missing vaccination record. I explained that I
3 had adopted Samson from Gentle Giants and had not been able to obtain his vaccination record.
4 I was told that I would be sent a complaint form in the mail and should return it so the agency
5 could investigate the matter. On June 20, 2005, I received the complaint form, completed it and
6 returned it by mail to the City of Norco. Attached hereto as Exhibit F is a true copy of said
7 complaint.

8 10. Shortly after I received the e-mails from the Wards and letters from their attorney
9 threatening legal action, I posted messages on the Internet asking whether anyone had had
10 similar experiences with the Wards and their Gentle Giants operation. I was very afraid that
11 plaintiffs would, in fact, take legal action to take Samson away from me, and not only would I
12 lose him, but he would have to go back to live with the Wards. My initial post to the
13 danesonline, bigpawsonly.com, the Great Dane Lovers' Society and The Great Dane Room
14 message boards simply said, "If you had EVER adopted a dog from Gentle Giants Rescue and
15 Adoptions (or Great Dane Adoptions) in Norco, CA ... I would love to connect up with you." I
16 then gave my name and e-mail address. I wanted to get some advice on how I should deal with
17 the situation from people with similar experiences because Samson is the love of my life and I
18 did not want to end up in litigation with the Wards over him. I wanted to find a way to resolve
19 the situation. I also sent e-mails to many animal rescue organizations asking them to forward my
20 contact information to anyone whom they were aware of who had adopted from Gentle Giants.
21 In response to my posts and e-mails, I received statements from many people who had
22 unknowingly adopted sick or violent dogs from Gentle Giants. Some of these messages I re-
23 posted on the Internet in their entirety, with the authors' permission, and some I summarized in
24 posts of my own. I did not post any information about the Wards or Gentle Giants which I did
25 not know personally, or which someone had not provided me about his or her experience.

26 11. On June 10, 2005, I posted a message to the danesonline discussion group
27 encouraging people to file written complaints with the Norco Animal Control Department. I
28 posted this message because the Norco Animal Control Department had encouraged me to do so

1 because it could not conduct an investigation without complaints. In fact, on June 1, 2005, I was
2 told by an official of the animal control department that they had been wanting to close down
3 Gentle Giants for some time, but needed citizen complaints to present to the City Council. A
4 true copy of my message is attached hereto as Exhibit G. My original message was deleted from
5 the danesonline group.

6 12. On or about June 14, 2005, I joined a Yahoo! group entitled
7 [http://groups.yahoo.com/groups/Tiergus Roar/](http://groups.yahoo.com/groups/TiergusRoar/). I am not the creator or moderator of this
8 discussion group.

9 13. On June 24, 2005, I contacted the California Veterinary Board to inquire about the
10 pills which Tracy Ward had given to me for Samson. I explained that she told me they were
11 antibiotics, which I believed were prescription medication. I was told that I should complete a
12 complaint form and return it to the Board. I completed the complaint form which I obtained
13 from the Board's website, and sent it to the Veterinary Board by mail that day. Attached hereto
14 as Exhibit H is a true copy of said complaint. Attached hereto as Exhibit I is a true copy of the
15 response which I received from the Veterinary Board. Attached hereto as Exhibit J is a true copy
16 of the letter which I received from the Veterinary Board stating the results of its investigation.

17 14. On June 24, 2005, I sent an e-mail to Susan@Petfinder.com informing her of the
18 investigation by the City of Norco. Petfinder.com is a website where rescue groups advertise
19 their animals. I understand that it is one of the most popular, if not the most popular, source for
20 rescue group information. Whenever I have wanted to foster or adopt an animal, this website is
21 where I began my searches. I also informed "Susan" that the City of Los Angeles Animal
22 Control Centers had temporarily stopped sending or referring dogs to Gentle Giants as a result of
23 the Norco investigation. I asked "Susan" to make inquiries of her own about Gentle Giants and
24 to temporarily, at least, remove Gentle Giants from the Petfinder referral list until the
25 investigation by the City of Norco was completed. Attached hereto as Exhibit K is a true copy
26 of that e-mail.

27 15. On July 3, 2005, I started a Yahoo! discussion group entitled
28 <http://groups.yahoo.com/group/GentleGiantsAdoptees/>. The purpose of this group was for

1 people to exchange Great Dane-related information, and to obtain information which would help
2 me if the Wards sued me. On that group, I posted numerous links and articles, published by well
3 known and respected authors, about various health and nutritional issues related to Great Danes.
4 I also posted links to websites related to Great Danes which were interesting and/or fun. With
5 the written permission of their authors, I posted a number of testimonies from Gentle Giants
6 adoptees about their adoption and post-adoption experiences. On July 4, 2005, I sent e-mails to
7 various people inviting them to visit my discussion group. I also posted a similar invitation on
8 various public Internet message boards. As the moderator, I do not have the ability to edit what
9 members of the group post. When someone joined the group, he or she was sent a disclaimer to
10 the effect that any message posted was certified by its author to be true. By creating and
11 moderating the group I was in no way vouching for the credibility of the posters. I simply
12 created a public forum for people to exchange information and opinions.

13 16. I believe that the issues underlying plaintiffs' claims against me are important to
14 the public because people are paying money to adopt dogs and then finding that they have to
15 spend great amounts on medical care for the dogs; and the aggressive dogs have injured people
16 and pose a threat to public safety. I am informed and believe that plaintiffs have more than 50
17 dogs on the premises, as well as cats, horses, goats and pigs. These are far too many animals for
18 three people to care for properly. The neglect of animals is of great concern to the public and is
19 particularly galling when the neglect comes at the hands of people who are supposed to be
20 saving the dogs from undesirable situations. Having volunteered for animal rescue organizations
21 for many years, I am personally aware of the need for rescuing animals from neglected and/or
22 dangerous living situations, as well as the great public interest in adopting such rescued animals.

23 17. I was served with the Complaint in this action on August 24, 2005.

24 18. I did not receive any warning from plaintiffs or their attorney that they intended to
25 file this lawsuit. Neither plaintiffs nor their attorney requested that I retract or correct any

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1 statements which I had made, nor did they inform me that any of my statements were untrue.
 2 The first indication which the Wards gave to me that they objected to any of my statements was
 3 when I was served with this lawsuit.
 4

5 I declare under penalty on perjury under the laws of the State of California that the
 6 foregoing is true and correct.

7 Dated: October 20, 2005

8 Barbara Laird

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 10 EXHIBITS TO THIS DECLARATION:

- 11 A. E-mail from Burt Ward to Barbara Laird, 4/11/05
- 12 B. E mail from Burt Ward to Barbara Laird, 4/13/05
- 13 C. Letter from Sanford Passman to Barbara Laird, 4/14/05
- 14 D. Letter from Sanford Passman to Kristine S. Karila, Esq., 5/12/05
- 15 E. Letter from Sanford Passman to Kristine S. Karila, Esq., 5/19/05
- 16 F. Barbara Laird complaint to City of Norco
- 17 G. Laird message on danesonline discussion group, 6/10/05
- 18 H. Barbara Laird complaint to California Veterinary Board
- 19 I. Response from Veterinary Board to Barbara Laird, 7/6/05
- 20 J. Letter from Veterinary Board to Barbara Laird, 9/20/05
- 21 K. E-mail from Barbara Laird to Susan@Petfinder.com, 6/24/05