

## **Judge upholds use of animal drop boxes**

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Kings County's animal shelter can continue to use its after-hours drop boxes, but it has to post bilingual signs warning that the boxes are for stray animals only, a Kings County judge has ruled. Superior Court Judge Peter Schultz said he did not see any evidence of actual harm caused by the drop boxes -- an unmanned drop-off site for stray dogs and cats -- to justify an injunction against the practice. There was no evidence that drop boxes encouraged abandonment of animals or their conditions violated the law, he concluded.

"No competent evidence was presented to this court to establish that the conditions maintained within the drop boxes are in violation of the law or that a preliminary injunction is needed to prevent great or irreparable harm ...," Schultz ruled.

Kara Johnson, founder of Lemoore-based nonprofit California Underdog Rescue and Education, sued the county in October over the county animal shelter's drop box practice, which she claimed was illegally allowing owners to abandon their unwanted animals and often leaving them without fresh water and food for many hours.

The lawsuit claimed the shelter violated the law that has been in place for 10 years. The law cited in the suit, dubbed the Hayden Act, took effect in 1998 to reduce the number of animals euthanized. It requires longer holding periods, the provision of medical care to sick and injured animals, and working with rescue organizations.

The suit sought a court injunction to stop the use of drop boxes.

County officials have argued the law doesn't specifically disallow drop boxes while maintaining that they do serve a purpose by collecting animals that would otherwise be let loose and pose a danger to the public.

Schultz's March 3 order denying Johnson's request comes nearly six weeks after the oral arguments presented by both sides of the case.

"We're very pleased with Judge Schultz's decision," said Sheriff Chris Jordan in a statement Wednesday. "Animal Services believe the drop boxes provide a service to the public by controlling the abandonment of animals in the rural areas of Kings County, in controlling the growth of the animal population and to control the spread of contagious diseases."

Jordan also said his department will begin the process of replacing the old boxes with stainless steel containers with regulated temperatures that would keep animals comfortable during hot summers and cold winters.

But the legal battle is hardly over.

Ventura attorney Kate Neiswender, who represents Johnson in the matter, called Schultz's ruling "incorrect" and said they would appeal his decision.

"The bottom line is we'll be appealing the judge's denial of the preliminary injunction," said Neiswender. "It's not that we don't appreciate his order. We just simply disagree."

Neiswender said an appeal should be filed in about a month with California's Fifth District Court of Appeal.

Johnson said Wednesday that she had anticipated an unfavorable decision by Schultz.

"We are not at all surprised by the decision and are pleased for the opportunity to take the case to a higher court who will give it more consideration," Johnson said.

The suit is similar to the one brought against Kern County a few years ago. The suit there was also based on the allegations that drop boxes are illegal. Neiswender was also behind the Kern County case. The Kern County court found the shelter there in violation of laws concerning the humane treatment of animals and issued an injunction to close them.

The reporter can be reached at 583-2429.

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