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November 4, 2009

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Marshall H. Tanick
Mansfield Tanick & Cohen P.A.
1700 U.S. Bank Plaza South
220 South Sixth Street
Minneapolis, MN 55402

Re: *Animal Humane Society*

Dear Mr. Tanick:

We are writing on behalf of our client, Animal Humane Society (“AHS”), in response to your letter to AHS dated September 29, 2009. We understand that you and your clients are concerned that AHS’s practices for euthanizing feral cats is not consistent with legal requirements. AHS is confident that its practices are both consistent with applicable legal requirements as well as its mission to help animals.

In discussing these issues, it is important to be clear on terminology. Cats that come to AHS are either strays, owner surrendered or feral. Strays are cats that have lived with individuals and families but have become lost and separated from their owners. Surrendered animals are companion animals whose owner is no longer able to care for them. AHS’s objective is to reunite strays with their owners or find loving homes for them and for surrendered animals.

Feral cats are different—they have lived in the wild with no shelter and have not known human care or contact. They are fearful, unsocialized and incapable of living in a home environment. And they are easily identified by trained professionals because they demonstrate particular behaviors and characteristics. Keeping feral cats in captivity causes immense suffering that will not subside with time—even with care, food and shelter. They are not placeable as pets or prospects for adoption. In AHS’s experience, to kennel a feral cat any longer than absolutely necessary is cruel.

AHS is dedicated to the compassionate care and treatment of all animals, but its focus is on companion animals—placing healthy companion animals in new homes. This past year, approximately 21,000 cats came through AHS’s five facilities, and only about 500 of them were feral.

As with all animals brought or surrendered to AHS, feral cats are provided care and shelter, including evaluation by veterinary staff. If the animal shows any indication of being a domesticated animal (or capable of becoming one) and there is any possibility of restoring its health and well-being, it is provided examination, ongoing care and shelter, and after appropriate waiting periods and notices to owners, if known, may be placed for adoption. However, with feral cats, it is often the case that *any* contact with humans – even to provide care – causes

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immense suffering that will not subside even with proper care and treatment. If in this case, the veterinarian makes a determination that a feral cat is suffering and is beyond cure through reasonable care and treatment, AHS will euthanize the animal promptly to end that suffering, consistent with the requirements of Minnesota's animal welfare statutes.¹

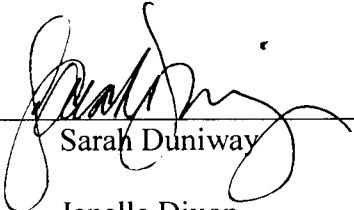
In the case of feral cats where suffering exists and there is a determination that it will not be relieved with reasonable care and treatment, the most compassionate act is to administer euthanasia promptly. Waiting several days would only prolong the animal's suffering without any benefit to the animal. Prolonging suffering in this manner is not required by the law, and is inconsistent with AHS's mission to treat all animals with compassion.

We hope that this addresses your concern.

Very truly yours,

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.

By



Sarah Duniway

cc: Janelle Dixon

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¹ Minn. Stat. § 343.29, subd. 2 (seizure of neglected animals); Minn. Stat. 343.22, subd. 3 (seizure of animals in cruelty investigation); Minn. R. 1720.1546 (animals brought to kennel by member of the public).