



Animal Law Podcast: Transcript for Episode 95, Interview with Vanessa Shakib

Mariann Sullivan: Welcome back to the Animal Law Podcast, Vanessa.

Vanessa: Thank you so much for having me.

Mariann: I'm so glad we got a hold of you. I'm sure that your life is crazy because of this case. I don't think there's anyone who hasn't heard about this case. Even though that is the situation, I don't think that means we're all familiar with the details of what happened here.

I know when I was reading your complaint as I was preparing for this, I was surprised by a lot of the details. Let's start with the facts, and I think it's very early days in this case, so not a lot has developed legally, but I definitely want to get into what your legal claims are.

But what I really want to start with is really getting into the facts and exactly what happened here. So can you tell us the story of who Cedar was and what happened to him and his family?

Vanessa: Absolutely. As you mentioned, there's been national and international interest in this case. The headlines have been quick and brief, so there's a lot more happening here once we dig in.

My clients are a little girl whose name is kept confidential because she is a minor and for privacy reasons, as well as her mother. The minor client I refer to as "E.L." E.L., at the time, was a nine-year-old girl who purchased a goat named Cedar, raised him, and fell in love with him.

We are a country of pet lovers. We have dogs and cats at home. We all know how we can fall in love with our furry family members. And E.L. certainly fell in love with Cedar.

Because she had enrolled in a 4-H program when it came time for that terminal auction, she really understood what was going to happen to her beloved family member, and that's when the story changes.

Mariann: Let me ask you a few general questions, and then we'll get into exactly what happened at that fair. What is Shasta County, California, like? Can you set the scene for us a little bit, of this area?

Vanessa: From what I understand, it's a small community. We can all appreciate, in a small community, how challenging it is to stand up in the face of unfairness and illegality.

So I really want to recognize the bravery of my clients here for standing up for their rights in the small community on an issue that has really turned out to be a live wire.

Mariann: Is 4-H a big deal there? It's a fairly rural place, right?

Vanessa: My understanding is yes, in that 4-H serves a role in this particular community.

The facts in this case center around a community barbecue. And so, as I understand it, 4-H has a role in this particular community.

Mariann: Now, there was an agreement, which I assume is pretty standard, when she enrolled in 4-H, and she agreed to raise this little...he must have been very small when he came into the family...Without getting into whether the agreement was enforceable and all the legal questions, can you give us an idea of what, according to the agreement, the fair would've been entitled to from E.L. regarding their 4-H obligations?

Vanessa: Yeah, so the rules here are very interesting and favor my clients. The rules for the fair state that the exhibitor must be the legal owner of the animal. So here the exhibitor is E.L., my minor client, who owned Cedar.

The rules further state that the exhibitor maintains ownership of the animal throughout the event. So prior to the event, E.L. owned Cedar, and during the event, E.L. owned Cedar. And here we all know, as lawyers, as law students, or as people interested in legal issues, when we have a contract, and there is a breach of that contract, or in this case, a minor exercised her statutory right and disaffirm the contract, the remedy is civil.

This is a civil contractual dispute. It is a very simple, open-and-shut property dispute. This is not a criminal issue. It does not warrant a criminal investigation of any kind. The fact that we have county fair officials and the fact that we have sheriff's deputies transforming this very simple dispute into a criminal circus is abhorrent, and it is lawless.

Mariann: And does explain why this has attracted so much attention.

But getting back to that agreement because I'm interested in what 4-H kids think they're agreeing to. Even if these agreements are not legally enforceable, probably most of them think it is. All right, she had to be the owner. Was there someplace where she agreed that the goat would be sold?

Is that what these kids are expected to agree to? That their animals will be sold to slaughter?

Vanessa: Well, look, we can't, and I can't, certainly, comment on what a child believes she is agreeing to.

Mariann: Right. I only am curious about what they're claiming, not whether the agreement was enforceable. I think you have a very strong argument that it wasn't.

But I imagine a lot of them think the agreement is enforceable, even though it isn't. So what kind of obligations do they think they're being stuck with?

Vanessa: Well, I'll tell you from the defendant's perspective, the county fair defendants, in particular. From their perspective, participants have agreed to a terminal slaughter of the animal.

So that's their perspective. But the bottom line is that my clients retained ownership of Cedar, and my minor client, in particular, exercised her statutory right in California. California law recognizes the rights of minors to disaffirm contracts.

But even regardless, let's talk big picture. Let's zoom out. When there is a contractual dispute, it is a civil issue, plain and simple.

Mariann: Of course. I guess the point I'm trying to make, which, maybe I'm having a little trouble making it without making implications that this agreement was enforceable, which I'm certainly not saying it is.

I think it's just a shame that these kids think they might be entering into an enforceable agreement. And unlike E.L....you know, she's that rare one who stood up, and she had a mother who was supporting her, who stood up and said, "Wait a second, hold on. I never meant to agree to this. If I did agree to it, you know, like, I'm nine, something has to be done here."

So, I just think 4-H kind of gets these kids to sign away rights that they're not allowed to have them sign away. And that's the point I wanted to make. Good for E.L. that she and her mother stood up and said, "Whatever this agreement was that you think we entered into, there're plenty of laws here saying that we didn't." And, as you say, that makes it a civil case. We're going to get into all of those details.

I just wanted to make that point on behalf of all of the kids who just think they have to, who just think that they have no choice. Good for E.L. for standing up and saying, "No, we do have a choice here."

All right, let's talk a little bit more specifically about what happened at the fair because I'm not sure if I understand that timeline. She brought Cedar to the fair. Was it at the fair that this whole crisis happened? Can you tell the story of what happened?

Vanessa: You know, my minor client's feelings were developing. She fell in love with Cedar as she raised him, but this all comes to a head at the fair when she really understands what's going to happen. Cedar was purchased by a bidder, and in this case, that bidder was an elected official.

E.L.'s Mom, Mrs. Long, reached out to State Senator Brian Dahle's office, and as we understand the situation, his representative indicated he was absolutely fine with Cedar's life being spared. So here, legally speaking, there is no problem with a minor disaffirming her contract. Factually speaking, there's no problem because the individual who purchased Cedar had no issue with Cedar returning home to his family.

Where the story really goes sideways is with these county officials, as well as the deputies. And it's very important for me to highlight the integrity of my clients. Mrs. Long offered to pay any and all monetary damages associated with taking Cedar home, and that is very important here because my clients had incredible integrity in this matter, and what we see is government officials acting together, coordinating improperly to essentially terrorize this little girl and violate her legal rights.

Mariann: You know, I'm not even sure that they, in order to be legally protected, had to make that offer. But they did. They acted with integrity throughout.

I was really surprised because I read some news stories, and I thought this state senator...I was ready to blame him. But apparently, from what you're saying, he was like, "Oh, okay, never mind. That's fine."

So the blame is really getting centered here. Their behavior is just so inexplicable. So she told the senator, who had thought he had purchased this goat, and apparently, his office said, "Yeah, fine."

What did she tell the fair and or anybody else? I'm not sure anybody else was concerned with the matter once the senator had made the bid and it was accepted. But how did it happen that the fair was informed, and then the sheriff's office was informed, that they didn't want to sell their goat?

Vanessa: Once my clients removed Cedar from the fairgrounds, the story really takes a turn. The county fair officials contacted my client. There was dialogue that went back and forth, both written and oral. And what we see here is highly inappropriate.

We have county fair officials threatening Mrs. Long with a felony. Threatening her with felony theft of Cedar. This is absolutely outrageous, and I can't imagine how terrified I would be if a government official was threatening me with a felony.

Mariann: Yeah, I'm with you.

Vanessa: This is very scary stuff here. And so we see this insistence and these threats coming from these county officials, and weeks later, the sheriff's deputies get involved. The exact details around all of this will be unearthed in the discovery process.

Mariann: Yeah, of course, you wouldn't know that because that's what they were doing. At this juncture...

Vanessa: This ends with the deputies obtaining a warrant. This right here is highly problematic. We are talking about textbook government gone rogue. There is no basis to obtain a criminal warrant in a civil matter, and I want to be very clear about that. But let's for a moment humor this criminal circus. Even if this warrant was valid, which we argue it was not, and even if the seizure of

Cedar was valid, which we argue it was not. If we humor this whole series of events, what would have been proper following the seizure of Cedar would be for the deputies to hold him because they knew that there was a property dispute.

My clients have due process rights, so the proper response would have been to hold Cedar until this issue was adjudicated because ownership and due process is an issue for the courts. It is not an issue for the cops.

Mariann: Obviously, you can't just destroy property that you have seized. The property has to be preserved.

So they got this warrant to seize Cedar. Tell us about the adventure that they took to find him.

Vanessa: Yeah. So let's, for a moment, consider the fact that this warrant was obtained at nighttime. It's dated around 6:30 PM. So we know that these Sheriff's deputies, in total, traveled approximately 500 miles. So this is occurring under the cover of darkness. This goes down like a drug bust.

The warrant is curious. It is outrageous. It is lawless. It has authorizations for these deputies to breach entryways, to obtain Cedar. To say that this is a gross miscarriage of justice and a failure of priorities is an understatement.

Mariann: Was it 500 miles one way?

Vanessa: We believe, in totality, this taxpayer joyride was approximately 500 miles.

Mariann: Okay, it's still a really long way. I mean, let's think about it. That's, that's like a five-hour...250 miles is a five-hour drive. It's kind of unbelievable! Well, it's totally unbelievable, but it happened.

Vanessa: And I want to add that the Sacramento Bee did a tremendous job reporting on this, and the Sacramento Bee did a calculation. Of course, the fair was only entitled to a small percentage of Cedar's purchase price at the auction, something like 7%, which meant that they would've been entitled to somewhere around \$60.

The Sacramento Bee calculated the gas for this journey to illegally see Cedar and finds, of course, that the gas alone is in excess of the profit that the fair would've been entitled to.

Mariann: Yeah, I'm really glad you went back to that fact because we hadn't mentioned that the child was entitled to receive the vast majority of the money if Caesar had actually been legitimately sold. The prices for these animals are very, very inflated because people do it as what they believe is helping the kids, so they pay a high premium. Almost all of that money would've been due to... it's not like they were depriving the county or the fair of a lot of money. The fair was only entitled to a very small percentage of that, so clearly, we're not talking about money here. It doesn't have anything to do with money.

Vanessa: We're not. This was never about money. It has never been about money. That's why in our lawsuit, among the many claims, we have a claim for First Amendment viewpoint discrimination.

Mariann: I love that claim, and I do really want to get into it. I just really want to go through these facts carefully because when was Cedar killed?

Vanessa: The exact details of how he was killed are unknown. But this is what we know- we know that he was seized at nighttime, and we believe that a community barbecue took place the next day. We believe the lawlessness and the urgency around this was in connection with that imminent community barbecue.

We are still investigating, and that process is still underway.

Mariann: Oh my God. You're giving me the chills.

So after Cedar was killed and perhaps after his body was eaten at this barbecue, but you don't really know about that for sure... That's a new fact for me. I just really... I feel slightly ill. What happened?

There was an outcry, and there's a lot of information in the papers about responses on social media, which had a lot to do with the way that this was responded to. Can you just talk about that, or did that happen before the goat was seized?

Vanessa: Government officials became aware of social media posts about Cedar prior to his illegal seizure. This is relevant to our claim of First Amendment viewpoint discrimination and retaliation.

Mariann: And so we think that was one of their motivations in this horrific behavior?

Vanessa: Yes, and in fact, one of the defendants specifically cites the discussion on the internet in the public forum in correspondence with my client.

And so we know that these defendants were inflamed in light of my client's view that Cedar was a member of their family, and they were inflamed by the free expression of ideas in the public square.

Mariann: So where was Cedar? Obviously, he was no longer in Shasta County, I assume, no longer at the home of E.L. and her mother. When they left the fair, did they take him home and then take him somewhere else for safeguarding?

Vanessa: Because this issue had hit such a hot button, my clients did put Cedar in a safe place where they felt that he could enjoy himself and be safeguarded while this dispute was resolved in the community.

Mariann: I don't know where they lived. Did they live in a place where they were planning to keep him at home, or were they planning to place him in a place where he would be safe more permanently? Or had they just not decided?

Vanessa: At this time, I'm not sure of those specific facts, but what I do know, and what's important here, is that Cedar belonged to the little girl, and she did not want him slaughtered. And this whole experience from A to Z was completely lawless and in violation of a laundry list of her legal rights.

Mariann: So I can imagine that, after this kind of experience, a lot of people will be traumatized, but really by characterizing this as a criminal action, I assume that that was part of what motivated E.L.'s mother and E.L. to seek counsel. They must have been very frightened.

Is that how you ended up getting involved?

Vanessa: Well, I won't get into the details of conversations around these events with my clients, but suffice it to say it is absolutely terrifying when you are threatened with a felony by a government official, especially when that criminal threat is wholly inappropriate.

Mariann: The recurring theme throughout this is not just how horribly and cruelly they acted, but how stupidly. I was going to say foolishly, but stupid is really a better word for it. I don't see what choice E.L. and her mother had other than to do something about this because they were being threatened with really horrible repercussions.

So, at some point, you were engaged, and you made the decision to bring an action. Can you tell us why you're in federal court? I assume that has a little bit to do with section 1983. Can you tell us a little bit about that statute?

Vanessa: We are in federal court because we're asserting a laundry list of constitutional violations from the First Amendment to the Fourth Amendment to the 14th Amendment, in addition to claims of intentional infliction of emotional distress, conversion, as well as some others.

1983 is the federal statute that allows us to assert these causes of action against these state and local actors.

Mariann: And who are the defendants?

Vanessa: The defendants, in this case, are a series of sheriff's deputies involved, as well as county fair officials.

Mariann: When you talk about the fair, just to be clear, since 1983 does generally involve public officials who are acting under color of state law, which would be obvious with sheriff deputies, but the fair is a government entity, correct?

Vanessa: Correct. It's the county fair.

Mariann: And you make reference throughout your complaint to possible additional defendants. Is that just belt and suspenders, or do you anticipate that others will be involved here?

Vanessa: Well, we can't know for certain. This story reeks of cronyism and corruption. There are serious questions (about) how county fair officials were able to enlist Sheriff's Deputies to participate in the improper transformation of a purely civil dispute into a criminal circus. And once we get these details from the discovery process, it will not be surprising if we come to learn of more individuals appropriate to be named as defendants.

Mariann: Yeah, it does seem likely.

All right. You mentioned your list of causes of action. I think unreasonable search and seizure, which an individual can bring that claim pursuant to 42 OC 1983, so that seems obvious.

What about the denial of due process? What process are you suggesting was due here that she was deprived of or that either of them was deprived of?

Vanessa: My clients had a right to be seen and heard in court for the proper adjudication of this dispute. Here we have sheriffs who improperly acted as judge, jury, and executioner, and that is simply not their role. And so, without a doubt, my clients were entitled to a fair legal process in this entire situation.

Mariann: I interview a lot of lawyers about insane cases, but this one really takes the cake.

All right. Conversion, obviously. Intentional infliction of emotional distress. My understanding is that you can, and this seems like a very important cause of action here because what really happened to this child, this young child, and her mother was brutal.

I mean, it was really brutal. I'm sure they haven't recovered yet. I'm not sure they'll ever fully recover from this sort of thing. And my understanding is that you can also claim emotional distress damages for violation of constitutional rights. So there are several ways you could do this. What kind of evidence would you show, or have you not gotten there, to demonstrate the kind of impact this had on this family?

Vanessa: We'll get there as the litigation unfolds. As you mentioned, we are still in the early stages, so we can expect a lot more from this shocking story as it progresses.

Mariann: You also mentioned earlier, which I think is a really interesting cause of action, your First Amendment claim. Can you go into that in a little bit more detail? Because that one was really interesting to me.

Vanessa: Yeah, it is our position that these defendants knowingly and intentionally violated the law because of my client's viewpoint that Cedar was a member of their family and Cedar was not to be slaughtered. So we believe that under any other circumstances, these defendants would not have engaged in the lawless manner that they did. We allege that it was specifically in response to my client's views.

Mariann: Yeah, and this, just like the constitutional, the 1983 claims, this claim has a lot to do with the fact that these were government employees acting under color of state law, and there just seems to be no recognition that that puts additional obligation onto them about how they can behave towards people.

I can discriminate against somebody and punish people for what they've put on social media, but the police can't. That's the government. I imagine this will be a really interesting case, legally. It's not just a factually interesting case.

As I mentioned earlier, we're in the very early days. Just a complaint and an answer. Did you learn anything from their answer regarding their admitting or denying any of the substantive facts?

Vanessa: No. I think what we will really learn will be in the discovery process and particularly in depositions of defendants and witnesses to this case.

Mariann: So, what are the next steps?

Vanessa: Next steps will be in furtherance of this discovery process, particularly depositions. We have some discovery requests out, and we are in the process of scheduling depositions.

Mariann: Now, I did notice that they claim that the person who was in possession of Cedar when they seized him, and that was apparently not at the address in the warrant, if I understand that correctly. That they went to another address, and they're now claiming that that person surrendered Cedar voluntarily. Do you have anything to say to that at this juncture?

Vanessa: I don't have anything to comment in particular about that other than to say I don't think that there are many people who would open the door and see sheriff's deputies at their door and know that those deputies were violating the law and were engaged in an illegal pursuit as part of a sham criminal investigation.

Mariann: Yeah, and I think we can safely say that it would be hard to credit anything that the deputies now say about how they presented this issue to whomever they seized this poor little guy from.

I've never seen an animal law case...and I think when these things happen, and something involving an animal really catches the public attention, it is so important to grab it and use it as an opportunity to educate people about what's going on with animals.

Are you pleased with the media attention as a whole? To me, it seems like it's been largely terrific.

Vanessa: The media attention has been very heartwarming. We have received an outpouring of support from across the country as well as internationally.

My client loved her goat, and he can't come home. We can't get justice here, but I hope that as this little girl grows up, she takes some comfort to know that the world has learned Cedar's story and that individuals abused their power to bully her, and that she has recourse.

Mariann: That just seems so important, and it really struck me when you said that we can't get justice here. They've destroyed the possibility of justice being given in this case, but you can get something a little closer.

I know this isn't entirely fair, but I mean, you don't know these people any better than I do, but you've been thinking about it a lot. How do you explain this? Like, seriously, what were they thinking?

I mean, even if they don't care at all about this kid, which apparently they didn't have. No heart whatsoever. I am really honestly perplexed as to why, even if they didn't realize it was going to blow up, they would just go to this much trouble to get one tiny little goat. Do you have any answer to this?

Even the media, almost every story I read, it's like they're shaking their head like, what happened here? Is it really this bullying atmosphere?

Vanessa: It's my view that this personal vendetta was fueled by viewpoint discrimination, and this is all exacerbated by the fact that we have a complete asymmetry of power.

On the one hand, we have government actors and deputies, and on the other hand, we have a little girl. And so what we see time and time again in the world is those with power forgetting that there is accountability for their abuses of that power.

Mariann: Little girls can get lawyers.

Vanessa: Little girls can get lawyers. *both laugh*

Mariann: And now she has one. I know this is ridiculous, but there's almost something hopeful about how extreme their reaction was.

It's maybe an awareness that they're kind of losing the plot and that they're so mad that anybody cares about this goat on social media, that anybody thinks

they're wrong to be doing this, that it made them furious. They must have been blind with anger.

I don't know whether you've seen it, but I've seen some industry media. There was an article on drovers.com. I follow a lot of industry media, and one thing I noticed about that article, they're really pissed off about this too. They know this is a black eye, and they're really mad at these people, but what they're saying is that the fair should have bent the rules just to let this go by.

But that's not right, is it? The fair should have followed the rules and the law, and then everything would've been fine if the fair had followed the law.

Vanessa: If the fair had followed the law, Cedar would be with his family, and the fair would've been compensated for any monetary damages that they were out due to this purely contractual dispute.

Mariann: Yeah, there was no bending of the rules. Maybe their own rules, but their own rules were not in compliance with the law because they try to make kids sign contracts that they shouldn't.

They're deceiving these children into thinking that they're legally obligated to do something that they're not. Unfortunately, E.L. was a little different.

How does this fit into the whole 4-h worldview? There was that Nicholas Christoff article, which was very good, and in the middle of which, he says something about "4-H is a terrific organization." Do you think this is evidence that 4-H has a lot of problems that they need to deal with?

Vanessa: Look, I think there's a problem anytime a child is exhibiting symptoms of pain and distress, and any program needs to allow for those situations to be handled appropriately and in the best interest of that minor with that minor's health and wellness in mind.

Mariann: Has 4-H as an organization taken any public positions on this at this point?

Vanessa: Not to my knowledge.

Mariann: Yeah. Well, you probably would know if anybody did.

Wow. Well, I am sure that they are in a meeting right now wondering, "How are we gonna deal with this?" I wouldn't be all surprised. So that is another

entertaining thought to try to make up for such a sad case. It's a great case legally, and as so often is the case, such a sad case.

I really feel for these people, and I just really admire them. E.L. sticking up for herself, and her mother sticking up for her daughter. They really deserve a lot of credit. And both of them sticking up for Cedar.

Vanessa: Absolutely.

Mariann: Thank you so much for joining us today, Vanessa. It's really been helpful! As I said, I read news articles, but I didn't really have the story.

Vanessa: Thanks so much for having me. I really appreciate your time and your interest in Cedar's story.