

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.:
)	
)	
Plaintiff,)	
)	
)	
v.)	
)	
MT. HOPE AUCTION CO.,)	COMPLAINT FOR DECLARATORY
)	AND INJUNCTIVE RELIEF
)	
Defendant.)	
)	

Plaintiff, United States of America, by authority of the Attorney General of the United States and through its undersigned attorneys, files this Complaint and alleges as follows:

INTRODUCTION

1. This is a civil action against Mt. Hope Auction Co. (“Mt. Hope Auction” or “Defendant”) for violations of the Animal Welfare Act (“AWA”) and its implementing regulations.

2. Mt. Hope Auction holds a class B “dealer” license issued by the U.S. Department of Agriculture (“USDA”).

3. Congress enacted the AWA for a number of purposes, including to ensure that animals used for exhibition or held for sale are provided humane care and treatment. 7 U.S.C. § 2131. The AWA imposes “minimum requirements” for handling, housing, feeding, watering, sanitation, and adequate veterinary care, among other requirements. *Id.* § 2143(a)(2)(A).

4. Mt. Hope Auction runs a wide variety of large-scale animal auctions and events at its facility in Millersburg, Ohio. Three times a year, it holds the Mid-Ohio Alternative Animal and Bird Sale (“Alternative Animal Auction” or “Auction”), a multi-day long auction advertised as selling over 200 different species of domestic or exotic animals.¹ The Alternative Animal Auctions typically include thousands of animals and large crowds of people, including families and many who travel from out of state, who attend to participate in the auctions or to view the unique and exotic species on display.

5. Acting as the auction operator and as a dealer and exhibitor of animals at these events requires Mt. Hope Auction to hold an AWA dealer license and to comply fully with all requirements in the AWA and its regulations and standards for the humane care, handling, transportation, and treatment of all animals present at the facility. Mt. Hope Auction is also bound to maintain all legally required records for auction houses and prohibited from knowingly obtaining any animal from an unlicensed person who does not hold a current, valid USDA license.

6. Since September 2022, USDA has conducted eleven inspections involving Mt. Hope Auction. All eleven inspections have identified multiple violations of the AWA and its regulations and standards, for a total of 69 AWA violations in less than two years. Thirteen of these violations were classified as critical or direct, the two most serious types of AWA citation.

7. Mt. Hope Auction has not only accrued a shockingly high quantity of violations in a two-

¹ These species include, among others: nilgai, alpaca, zebu, coatimundi, ranch fox, red fox, fennec fox, Jacob’s sheep, raccoon, splash Polish chicken, macaw, Senegal parrot, silver chukar partridge, Budgerigar, cockatiel, emu, painted desert sheep, Linnaeus’s two-toed sloth, bar-headed goose, white-tailed deer, zebra, rabbit, sugar glider, chinchilla, African crested porcupine, degu, spiny mouse, skunk, coyote, guinea pig, hamster, capybara, bobcat, ring-tailed lemur, squirrel monkey, Patagonian cavy, quail, dromedary camel, red kangaroo, Bennett’s wallaby, kinkajou, capuchin monkey, marmoset, bison, yak, and ostrich.

year period but has been cited for the same type of violations again and again. Despite written inspection reports and oral exit interviews after every inspection, as well as an Official Warning from USDA, Defendant has been unable or unwilling to come into compliance with the AWA, showing a disregard for the applicable laws, the well-being of the animals that come to the Auctions, and the safety of the public.

8. Defendant's most frequent violations with respect to its Alternative Animal Auctions involve:

- a. the failure to provide adequate veterinary care to dozens of animals;
- b. the housing of animals in enclosures that are unsafe, unsanitary, or otherwise violate the AWA and its regulations and standards;
- c. the improper handling of animals and allowing members of the public to have contact with and handle animals without employee supervision;
- d. the failure to make and maintain accurate and complete records of consignments and sales; and
- e. accepting and facilitating the sale of animals from unlicensed individuals who are forbidden by law from selling such animals without a USDA license.

9. Defendant's violations of the AWA and its regulations and standards include not providing veterinary care to animals with bleeding wounds or that are unable to stand; swinging a kangaroo around forcefully by its tail; stacking improperly constructed enclosures containing small animals in precarious, tilting towers; and allowing the public to reach inside enclosures to touch bison, coyotes, fox, zebras, monkeys, and other animals without employee supervision.

10. As a USDA-licensed dealer, Defendant is obligated to know and comply with the AWA and its regulations and standards. It has been cited for the violations listed in Paragraph 8 on

numerous occasions. And yet, the problems persist, and animals have suffered at nearly every Alternative Animal Auction since September 2022.

11. Defendant has had numerous opportunities to correct its unlawful behavior. It has violated the AWA and its regulations and standards and placed the health of animals in serious danger.

12. Defendant's pattern of behavior and failure to correct the practices underlying its repeat violations will almost certainly continue and will place the health of more animals at future Auctions in serious danger. The most recent inspection, which was conducted between Auctions when no animals were present, revealed that dozens of enclosures intended for use at the next Auction were unsafe and unsanitary. Without an immediate injunction, the animals brought to the next Alternative Animal Auction, scheduled for September 19-21, 2024, will almost certainly face similar conditions as past Auctions and be in serious danger.

13. The only way to ensure compliance and the safety and well-being of the animals at Mt. Hope Auction is through declaratory and injunctive relief.

JURISDICTION AND VENUE

14. The Court has jurisdiction over this action pursuant to 7 U.S.C. § 2146(c) (actions arising under the AWA); 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. § 1345 (United States as plaintiff).

15. Venue is proper in the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. § 1391 and 7 U.S.C. § 2159(a), because the Defendant resides and does business in this judicial district and a substantial part of the events or omissions giving rise to the claim occurred in Holmes County, Ohio, within this judicial district.

16. The Court may grant the requested relief under the AWA, 7 U.S.C. §§ 2146(c) and 2159, and 28 U.S.C. §§ 2201 and 2202 (declaratory and injunctive relief).

THE PARTIES

17. The Plaintiff is the United States of America. Authority to bring this action is vested in the Attorney General of the United States pursuant to 28 U.S.C. §§ 516 and 519 and 7 U.S.C. §§ 2146(c) and 2159.

18. Defendant Mt. Hope Auction is a for-profit corporation incorporated in the State of Ohio. Mt. Hope Auction operates in Millersburg, Ohio, and holds livestock auctions and other sales throughout the year. In addition, three times a year, Mt. Hope Auction holds the Alternative Animal Auction where hundreds or even thousands of animals are consigned to the auction and sold to bidders. As required to obtain and sell AWA-regulated animals in commerce, Mt. Hope Auction holds a class B dealer license from USDA for its Alternative Animal Auctions.

19. Mt. Hope Auction is a “person” as defined in 9 C.F.R. § 1.1 because it is a corporation or other legal entity.

LEGAL BACKGROUND

20. The AWA establishes minimum standards of care and treatment to be provided for certain animals bred and sold for use as pets, used in biomedical research, transported commercially, or exhibited to the public. *See generally* 7 U.S.C. § 2131 *et seq.* It was enacted to “insure that animals intended . . . for exhibition purposes or for use as pets are provided humane care and treatment” and “to assure the humane treatment of animals during transportation in commerce. . . .” *Id.* § 2131(1), (2).

21. The AWA is administered by the Secretary of Agriculture (“the Secretary”) or his representative. 7 U.S.C. §§ 2132(b), 2146. The AWA authorizes the Secretary to “promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of [the AWA].” 7 U.S.C. § 2151. The Secretary has delegated his authority to the Administrator of USDA’s Animal and Plant Health Inspection Service (“APHIS”). APHIS’s Animal Care

inspectors—who generally have veterinary or other animal care experience—conduct inspections of facilities to determine compliance with the AWA and its implementing regulations.

22. The AWA defines a “dealer” as “any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet” 7 U.S.C. § 2132(f); *see also* 9 C.F.R. § 1.1 (definition of dealer).

23. An “exhibitor” is “any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation” 7 U.S.C. § 2132(h); *see also* 9 C.F.R. § 1.1 (definition of exhibitor).

24. The AWA defines the term “animal” to mean “any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet,” but excludes certain categories, including “farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.” 7 U.S.C. § 2132(g); *see also* 9 C.F.R. § 1.1 (further defining “farm animal” to include domestic species of cattle, sheep, swine, goats, llamas, horses, or poultry normally kept on farms and used or intended for agricultural use). The Alternative Animal Auctions involve animals covered by the AWA’s requirements.

25. Anyone who falls within the statutory definition of a dealer or an exhibitor must obtain and maintain a valid license from the Secretary. 7 U.S.C. § 2134; *see also* 9 C.F.R. § 2.1(a)(1)

(“No person shall operate as a dealer, exhibitor, or operator of an auction sale, without a valid license . . .”).

26. A class “B” licensee is defined as a person “meeting the definition of a dealer . . . and whose business includes the purchase and/or resale of any animal.” 9 C.F.R. § 1.1 (definition of class “B” licensee). The regulations explicitly identify that a class “B” licensee “includes brokers, and operators of an auction sale, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce.” *Id.* The regulations recognize that brokers and operators at auction sales “do not usually take actual physical possession or control of the animals, and do not usually hold animals in any facilities.” *Id.* “A class ‘B’ licensee may also exhibit animals as a minor part of the business.” *Id.*

27. The Secretary shall issue a license to a dealer upon application, provided that no such license shall be issued until the dealer has demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to 7 U.S.C. § 2133.

28. By signing the application form, the applicant acknowledges that they have reviewed the AWA and its regulations and standards and “agrees to comply with them.” 9 C.F.R. § 2.2.

29. The Secretary has authority to promulgate regulations and standards to govern the humane handling, care, treatment, and transportation by dealers, which include the minimum requirements for handling, housing, feeding, watering, sanitation, ventilation, shelter from extreme weather and temperatures, adequate veterinary care, and separation by species. 7 U.S.C. § 2143(a)(1), (a)(2)(A). The AWA makes clear that this power extends to “humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, in commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales.” *Id.* § 2142.

30. Each dealer, including the operator of an auction house, or exhibitor or intermediate handler, must comply in all respects with the regulations and standards for the humane handling, care, treatment, housing, and transportation of animals. 9 C.F.R. § 2.100(a); *see also* 9 C.F.R. § 2.2.

31. The USDA Animal Welfare Inspection Guide reiterates that the operator of an exotic² animal auction must be licensed, must comply with all regulatory requirements, and is responsible for the care of the animals while at the auction.³ USDA Animal Welfare Inspection Guide (“Inspection Guide”) at 4-94, 4-95, *available at* <https://www.aphis.usda.gov/sites/default/files/Animal-Care-Inspection-Guide.pdf> (last visited Sept. 4, 2024). “Every covered animal that the auction consigns will be regulated while it is within the auction facility.” *Id.* at 4-95.

32. The AWA requires the Secretary to make investigations and inspections as necessary to determine whether any dealer has violated any provision of the AWA, or any regulation or standard issued thereunder. 7 U.S.C. § 2146(a). The AWA requires that “the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 2140 of this title of any . . . dealer.” *Id.*

33. Every operator of an auction sale or broker is required to make, keep, and maintain records which fully and accurately disclose information for every animal consigned for auction

² An “exotic” animal is defined by regulation as any animal not identified in the definition of “animal” provided in the same regulation that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. 9 C.F.R. § 1.1. Examples of exotic animals include tigers, camels, antelope, kangaroos, water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak. *Id.*

³ If the consignor is licensed under the AWA or required to be licensed, the consignor is also responsible for care of the animals while at the auction and for complying with all applicable regulatory requirements. However, this does not reduce the obligations of the auction operator.

or sold, regardless of whether a fee or commission is charged by the auction. 9 C.F.R. § 2.76(a).

These records must include:

- (1) The name and address of the person who owned or consigned the animal(s) for sale;
- (2) The name and address of the buyer or consignee who received the animal;
- (3) The USDA license or registration number of the person(s) selling, consigning, buying, or receiving the animals if he or she is licensed or registered under the Act;
- (4) The vehicle license number and State, and the driver's license number (or photographic identification card for nondrivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act;
- (5) The date of the consignment;
- (6) The official USDA tag number or tattoo assigned to the animal under §§ 2.50 and 2.54;
- (7) A description of the animal which shall include:
- (8) The species and the breed or type of animal;
- (9) The sex of the animal; or if the animal is a bird, only if the sex is readily determinable;
- (10) The date of birth or hatch date; or, if unknown, the approximate age or developmental stage; and
- (11) The color and any distinctive markings; and
- (12) The auction sales number or records number assigned to the animal.

Id. § 2.76(a).

34. Dealers and exhibitors are forbidden from knowingly obtaining any animal from any person who is required to be licensed under the AWA but does not hold a current, valid, and unsuspended license. 9 C.F.R. § 2.132(d).

35. Each dealer or exhibitor must have an “attending veterinarian who shall provide adequate veterinary care to its animals.” 9 C.F.R. § 2.40(a). The attending veterinarian must be employed under formal arrangements. *Id.* § 2.40(a)(1). The dealer or exhibitor must ensure that “the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.” *Id.* § 2.40(a)(2). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care, including “[t]he use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries” and daily observations of all animals to assess their health and well-

being. *Id.* § 2.40(b)(2), (3). Daily observations can be conducted by someone other than the attending veterinarian, so long as “timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.” *Id.* § 2.40(b)(3).

36. The handling of all animals must “be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort” and cannot include physical abuse. 9 C.F.R. § 2.131(b)(1), (2). If climatic conditions present a threat to an animal’s health or well-being, the licensee must take appropriate measures to alleviate the impact of those conditions. *Id.* § 2.131(e).

37. During public exhibition, any animal must be handled so there is minimal risk of harm to the animal or the public, with sufficient distance and/or barriers between the animals and members of the viewing public to assure the safety of both the animals and people involved. 9 C.F.R. § 2.131(c)(1). A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times when the public could have contact with an animal. *Id.* § 2.131(d)(2). Animals may be exhibited “only for periods of time and under conditions consistent with their good health and well-being.” *Id.* § 2.131(d)(1).

38. The AWA standards provide several requirements for the facilities where animals are kept. Facilities must be of a material and strength appropriate for the animals involved. 9 C.F.R. § 3.125(a). Indoor and outdoor housing facilities must be structurally sound and maintained in good repair to protect animals from injury and to contain the animals. *Id.*

39. Animals housed in the same primary enclosure must be compatible and animals housed nearby must not interfere with their health or cause them discomfort. 9 C.F.R. § 3.133.

40. Animals may be housed in transport enclosures while at an auction facility as long as the enclosures meet the regulatory standards and the animals do not show obvious physical distress.

Inspection Guide at 4-95–4-96. Animals held in transport enclosures at an auction are considered “in transit” for regulatory purposes. *Id.*

41. The AWA standards set requirements for the primary enclosures used to transport various animals. For example, the primary enclosures for birds must, among other things:

- (a) be strong enough to contain the bird securely and comfortably and to withstand the normal rigors of transportation;
- (b) contain no sharp edges, points, or protrusions that could injure the bird;
- (c) ensure that the bird cannot put any part of its body outside the enclosure in a way that could injure the bird or other persons or animals nearby;
- (d) allow for the quick removal of the bird in an emergency;
- (e) contain adequate handholds or handles so it can be lifted without tilting and without the person carrying it coming into contact with the bird held inside;
- (f) be marked clearly on top and on one or more sides with the words “Live Animals” with arrows or other markings indicating the correct upright position of the enclosure; and
- (g) be properly ventilated, with projecting rims or other construction features to prevent ventilation openings from being obstructed.

9 C.F.R. § 3.162(a), (b). While the exact requirements differ by category of species, many of these requirements apply to the other species covered by the AWA. *See id.* § 3.137 (primary enclosures used to transport live animals not covered by more specific provisions); *id.* § 3.87 (primary enclosures used to transport nonhuman primates); *id.* § 3.36 (primary enclosures used to transport live guinea pigs and hamsters); *id.* § 3.61 (primary enclosures used to transport live rabbits).

42. Dealers and exhibitors generally must keep primary enclosures used for transport clean,

ensure adequate space so the animals may turn around freely and make normal postural adjustments, and ensure that animals transported together are compatible. *See, e.g.*, 9 C.F.R. §§ 3.137(b), (c), (d), 3.162(c), (d), (e), 3.36(b), (c), 3.61(b), (c), (d), (e), 3.87(b), (d), (e).

43. Primary enclosures used to transport live animals shall not be needlessly tilted or stacked in a manner which may reasonably result in them falling. 9 C.F.R. §§ 3.142(c), 3.66(c), 3.167(c), 3.41(c), 3.92(b)(2).

44. Dealers and exhibitors must provide potable water and palatable food for animals. 9 C.F.R. § 3.129(a); *see also id.* § 3.63 (requiring food and water to be provided to rabbits transported for more than 6 hours).

45. With regard to sanitation, the buildings and grounds of a facility must be kept clean and in good repair in order to protect the animals from injury and allow for proper husbandry practices in accordance with the AWA standards. 9 C.F.R. § 3.131(c). Animal feces and urine must be “removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors.” *Id.* § 3.131(a).

46. Under the AWA, United States district courts “are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of [the AWA], and shall have jurisdiction in all other kinds of cases arising under [the AWA],” except in one instance not applicable here. 7 U.S.C. § 2146(c).

FACTUAL BACKGROUND

47. At all times relevant to the allegations in this complaint, Defendant Mt. Hope Auction was a dealer as that term is defined in the AWA and its implementing regulations and held USDA license number 31-B-0031.

48. Mt. Hope Auction operates at a facility located at 8076 State Route 241, Millersburg, Ohio, in Holmes County.

49. At all times relevant to the allegations in this complaint, Defendant was a for profit corporation registered in the State of Ohio.

50. Defendant's AWA class B license was last renewed in 2023. In June 2023, Thurman Mullet submitted the renewal application identifying himself as the President of Mt. Hope Auction and Chester Mullet as the Vice President of Mt. Hope Auction. For the "maximum number of animals owned, held, maintained, sold, exhibited, or leased at any one time during the period of licensure," Mr. Mullet listed over 34,000 animals.

51. Mt. Hope Auction's current license expires on September 30, 2024. On April 8, 2024, Mr. Mullet submitted a relicensing application on behalf of Mount Hope Auction. The application again identified Thurman Mullet as the President and Chester Mullet as the Vice President of Mt. Hope Auction. It listed a maximum of over 37,881 animals that Mt. Hope Auction intends to own, hold, maintain, sell, exhibit, or lease at any one time during the period of licensure.

52. Mr. Mullet amended the relicensing application on July 25, 2024, adding roughly 540 additional animals that Mt. Hope Auction intends to own, hold, maintain, sell, exhibit, or lease at any one time during the licensure period.

53. The first relicense inspection occurred from July 22 to 25, 2024, and Mt. Hope Auction failed to demonstrate compliance with the AWA. Ex. 1 (July 22, 2024 Relicensing Inspection Report). Defendant will have two more chances to demonstrate compliance before October 5, 2024 in order to be relicensed.

54. By signing the application forms, Mr. Mullet acknowledged that he had reviewed the AWA and its implementing regulations and standards and agreed that Defendant would comply with them. *See* 9 C.F.R. § 2.2.

55. Defendant holds the Alternative Animal Auction three times a year, generally in March, September, and November. The Alternative Animal Auction sells thousands of animals annually from a wide range of species: some domestic species like certain sheep and rabbits, some native non-domestic species like bobcats, and many non-native exotic species like red kangaroos, giraffes, ring-tailed lemurs, Egyptian fruit bats, and sloths.

56. The Auction usually runs for three days. Consignors can generally begin consigning their animals to Defendant the day before the Auction begins. Defendant then auctions off the animals, and, if an acceptable bid is made, the buyer pays Defendant for the animal. Defendant keeps a portion of the proceeds of the sale and passes the rest on to the consignor. If the animal does not sell, Defendant still charges the consignor a minimum commission, and the animal is returned to the consignor.

57. During the Alternative Animal Auction, Defendant charges a five-dollar admission price per day. Upon information and belief, members of the public have attended the Alternative Animal Auction just to see the animals with no intent of consigning or purchasing an animal. Defendant thus exhibits the animals at the Auction to the public for compensation.

58. In 2022, the APHIS inspectors' inventory determined that at least 1,026 animals were present during the Auction held in September, and at least 703 animals were present during the Auction held in November. In 2023, the inspectors' inventory determined that at least 3,346 animals were present during the Auction held in March, at least 2,285 animals were present during the Auction held in September, and at least 1,437 animals were present during the Auction held in November. And during the March 2024 Auction, the inspectors counted at least 2,088 animals.

59. The next Alternative Animal Auction is scheduled for September 19 to 21, 2024.

Animals can be brought for consignment starting on September 18, 2024. *See* Mt. Hope Auction Website, available at <https://mthopeauction.com/event/mid-ohio-alternative-animal-and-bird-sale/> (last visited Sept. 4, 2024).

60. Since September 2022, USDA has found numerous violations of the AWA and its regulations and standards at every inspection of Defendant's facility, totaling over 65 AWA violations in less than two years. Many of these AWA violations were "repeat" noncompliant items, meaning that USDA cited Defendant for the same noncompliant item either during the previous inspection or at least three times within the past three years. *See* Inspection Guide at 2-7. Thirteen of the violations identified since September 2022 were classified as either "critical" or "direct," the two most serious types of AWA citation. A "critical" noncompliance is one that has a "serious or severe adverse effect on the health and well-being of the animal[s]" or falls into certain other categories, such as knowingly obtaining an animal from any person who is required to be licensed but does not hold a current, valid license. *Id.* at 2-8, 2-9. A "direct" noncompliance is a critical noncompliance that is having a serious or severe adverse effect on the health and well-being of an animal at the time of the inspection. *Id.* at 2-9.

61. APHIS inspectors conducted an inspection⁴ during the Auction held from September 15 to 17, 2022. During this inspection, the inspectors cited one direct noncompliant item and one critical noncompliant item. The inspectors also documented ten other AWA citations. Ex. 2

⁴ Most of the inspections conducted for this facility are considered "focused" inspections. A "focused" inspection may include: re-inspection for "direct" noncompliances identified during a previous inspection, re-inspection for a specific noncompliance identified during a previous inspection, a partial inspection of the facility, such as animals only or records only, or a partial inspection to follow up on a public complaint concerning animal welfare. *See* Inspection Guide at 3-27. Most of Defendant's inspections are partial inspections because of the large-scale auctions held at the facility, which requires multiple inspectors and several days for an inspection of the animals and facilities during an auction and then a follow-up inspection to review the records after all records have been compiled. *See id.* at 4-18.

(September 15, 2022 Inspection Report).

62. From October 21 to November 14, 2022, APHIS inspectors conducted an inspection of Defendant's records from the September 2022 Auction. During this inspection, the inspectors found violations of two different AWA regulations and standards, one of which was a critical noncompliant item. Ex. 3 (October 21, 2022 Inspection Report).

63. APHIS inspectors next conducted an inspection during the Auction held from November 3 to 5, 2022. Inspectors identified violations of seven different AWA regulations and standards, including five repeat noncompliant items. Ex. 4 (November 3, 2022 Inspection Report).

64. On January 6, 2023, USDA issued an official warning to Defendant regarding the direct and critical noncompliant items from the September 15, 2022 and October 21, 2022 Inspection Reports.

65. APHIS inspectors then conducted an inspection during the Auction held from March 23 to 25, 2023. During this inspection, inspectors documented violations of thirteen different AWA regulations and standards, which included eleven repeat noncompliant items. Ex. 5 (March 23, 2023 Inspection Report).

66. On April 20, 2023, APHIS inspectors inspected Defendant's records from the November 2022 and March 2023 Auctions. Inspectors found one repeat critical noncompliant item and one repeat noncompliant item. Ex. 6 (April 20, 2023 Inspection Report).

67. APHIS inspectors conducted their next inspection during the Auction held from September 14 to 16, 2023. Inspectors identified violations of seven different AWA regulations and standards, including two direct noncompliant items and three repeat noncompliant items. Ex. 7 (September 14, 2023 Inspection Report).

68. APHIS inspectors returned to conduct another inspection during the Auction held from

November 2 to 4, 2023 and identified violations of six different AWA regulations and standards, including two direct noncompliant items and one repeat noncompliant item. Ex. 8 (November 2, 2023 Inspection Report); Ex. 9 ((November 2, 2023 Inspection Report – Direct Violations).

69. On February 12, 2024, APHIS inspectors conducted an inspection of Defendant's records from the September and November 2023 Auctions, as well as photos and videos submitted to APHIS that demonstrated violations which occurred during those Auctions. Inspectors cited Defendant for one repeat critical noncompliant item, a critical noncompliant item, and a repeat noncompliant item. Ex. 10 (February 12, 2024 Inspection Report).

70. APHIS inspectors conducted their next inspection during the Auction held from March 20 to 23, 2024 and identified violations of nine different AWA regulations and standards, including seven repeat noncompliant items. Ex. 11 (March 20, 2024 Inspection Report).

71. Most recently, APHIS inspectors conducted a focused inspection to follow-up on photos and videos submitted to APHIS that demonstrated noncompliances during the March 2024 Auction and issued three citations, one of which was a repeat critical noncompliant item, and another of which was a repeat noncompliant item. Ex. 12 (July 22, 2024 Inspection Report).

72. APHIS inspectors also conducted a relicensing inspection from July 22 to 25, 2024. Relicensing inspections are scheduled in advance, unlike other routine or focused inspections. Although Defendant knew that it would be inspected on this day, Defendant was unable to demonstrate compliance with the AWA and its regulations and standards due to the inspectors' identification of five different violations, including one repeat critical noncompliant item and two additional repeat noncompliant items. Ex. 1.⁵

⁵ If a licensee fails a relicensing inspection, they may request up to two more inspections by APHIS to demonstrate compliance with the AWA and its regulations and standards. 9 C.F.R. § 2.3(b).

73. Licensees have the right to appeal an inspection report within 21 days of receiving a copy. 9 C.F.R. § 2.13. The inspection report for the focused inspection on July 22, 2024 was appealed, and that appeal is currently pending. All other citations listed in this complaint are ones that have either not been appealed or were appealed and deemed valid by the Animal Care appeal panel.

74. After every inspection, the inspectors conduct an exit interview with the facility representative and explain what they are being cited for and how to correct it. At times, the inspectors provide reference materials or other assistance in achieving compliance. The inspection reports also explain each citation and what the licensee's obligations are with respect to each violated provision.

I. Defendant Has Violated the AWA and Its Regulations and Placed the Health of Animals at the Auction in "Serious Danger" by Failing to Provide Adequate Veterinary Care.

75. Since September 2022, Defendant has been cited for failing to provide adequate veterinary care to roughly 39 different animals present at its facility during Alternative Animal Auctions in violation of 9 C.F.R. § 2.40. On several of these occasions, Defendant did not seem to be conducting adequate daily observations of all animals to assess their health and well-being, as required by the veterinary care regulations. *See id.* § 2.40(b)(3).

76. During the September 15, 2022 inspection of the Auction, APHIS inspectors found a small dead ram in the main sale barn of the facility. (*See* photo below). It was on the ground and partially covered with straw. Ex. 2 at 1. The auction staff had not conducted adequate daily observations to notice the dead ram or to identify prior to its death that it needed veterinary care.



77. On the last day of the September 2023 auction, APHIS inspectors saw a calf in an abnormal position: lying down with its back legs splayed. A member of the public reported that the calf had been in the same position since the day before. Inspectors notified one of the auction veterinarians of the animal's condition. The calf could not stand, so employees carried the animal out of the paddock. The veterinarian claimed to have no authority to treat the animal and stated that it was taken off site without receiving medical treatment. Ex. 7 at 1. Defendant had not conducted adequate daily observations to identify that this calf was in distress and provide it with adequate veterinary care.

78. At least 36 other animals from the September 2023 and November 2023 Auctions did not receive adequate veterinary care. Defendant was cited for violating 9 C.F.R. § 2.40(b)(2) in the February 12, 2024 Inspection Report. Ex. 10 at 1-3.

79. From the September 2023 sale, these animals included, among others:

- A. two nilgai—a type of Asian antelope—and several cattle that were so emaciated that their ribs, scapula, pelvic bones, and individual vertebrae were visible;
- B. an alpaca that appeared underweight and lethargic, with a prominent pelvis and ribs

- that was seen lying down with its nose pressed into its bedding and not responding to its noisy surroundings;
- C. seven sheep with diarrhea present on their tails or legs, several of which were notably underweight;
 - D. two zebus (an exotic cattle species) with dark diarrhea on their hind region and back legs;
 - E. a coatimundi with brownish orange diarrhea throughout its enclosure, including on its food and water receptacle;
 - F. a fox with discharge from its eyes, shaking its head in discomfort;
 - G. a Jacob's sheep with nasal discharge in both nostrils;
 - H. a number of the birds with feather loss:
 - i. a splash polish chicken with a swollen underside, feather loss, and reddened skin;
 - ii. two macaws with feather loss on their necks, chest, or legs;
 - iii. two Senegal parrots housed as a pair that had lost almost all of the feathers on their heads and some of their neck feathers;
 - iv. a silver chukar partridge with feather loss on its back near the base of its tail, and also damaged and unkept tail feathers;
 - v. a Budgerigar housed in a group with feather loss on its wing and reddened skin;
 - vi. a cockatiel with feather loss on the back of its head and neck as well as dry, scaly skin in the areas of feather loss;
 - vii. several emus housed in a group with feather loss on a large portion of the

front of their necks.

Ex. 10 at 1-3.

80. From the November 2023 sale, the following animals did not receive adequate veterinary care:

- A. an emaciated white park cow with a prominent spine, pelvis, scapula, and ribs;
- B. a sheep with what appeared to be a swollen prepuce;
- C. a billy goat with a white, crusty discharge in its left eye;
- D. a painted desert sheep with white nasal discharge in both nostrils.

Id. at 3.

81. The attending veterinarian and associate veterinarians working at the facility did not recall seeing, evaluating, or treating any of the animals identified as needing veterinary care at the September and November 2023 Auctions. The veterinarians were also unable to provide any veterinary records for the animals or otherwise show that adequate veterinary care was provided. The attending veterinarian stated that he does not consider consigned animals at the auction to be patients of the auction's veterinarians. *Id.* at 1.

82. A female pheasant from the March 2024 exotic animal sale also did not receive adequate veterinary care. (*See* photo below). The pheasant had a wound on the top of its head one to two centimeters in size that was bleeding. The feathers around the wound and down the animal's neck were wet and matted down from drainage or blood. The pheasant was lethargic, laying down with its head leaning forward and its eye tightly shut, and had little to no reaction to the loud surrounding environment. Ex. 12 at 1.



83. Again, the attending veterinarian and associate veterinarians working at the facility did not recall seeing, evaluating, or treating the pheasant. The veterinarians were unable to provide any veterinary records for the pheasant or otherwise show that adequate veterinary care was provided. *Id.* at 1.

84. Mt. Hope Auction has stated that animals consigned at the Auction are the responsibility of the buyers and sellers. Mt. Hope Auction has also failed to ensure that enough employees are present to conduct effective daily observations of the health and well-being of the thousands of animals at the Auction and promptly report such issues to the attending veterinarian. In sum, it has not put in place a program of adequate veterinary care to ensure that its attending veterinarian and veterinary staff are informed of issues with the animals' health and well-being and able to get the animal the needed care. The lack of diligence regarding the health and well-being of the thousands of animals that are part of the Alternative Animal Auctions has caused many animals to suffer, and will continue to do so unless Defendant and its attending veterinarian alter their practices in compliance with the AWA.

85. On the first day of the November 2023 auction, two pairs of Bar-headed geese were held

in a wire-mesh enclosure on a flat-bed cart in an intake area waiting for placement in a sale area. The intake area had a constant flow of human and animal traffic in limited space. The geese were stressed: they were erratically swaying and lunging at the wire sides of the enclosure. Two of the geese trapped their beaks in the wire sides of their enclosures, causing actively bleeding wounds. One goose bled onto the sides of the enclosure and its plumage. (*See photo below*). The veterinary team was notified about both birds. The enclosure for the first bird was moved to a quieter location, but the enclosure for the second bird was left in the same location because the veterinarians thought the birds had settled. Ex. 9 at 1-2.



II. Defendant Has Violated the AWA and Its Regulations and Standards and Placed the Health of AWA-Regulated Animals at the Auction in “Serious Danger” by Providing or Allowing Inhospitable Housing Conditions.

86. Defendant has violated the AWA and placed the animals at the Auction in “serious danger,” by allowing animals to be housed in enclosures that are improperly constructed, unsanitary, damaged or broken, too small, improperly stored, or otherwise unsafe for the contained animal.

A. Unsafe Primary Enclosures

87. Defendant has violated the AWA and its regulations and standards by providing enclosures for animals that are improperly constructed, damaged, or unsanitary, exposing the animals to unsafe conditions that could cause injury or illness. *See* 9 C.F.R. §§ 3.125(a), 3.131(a), (c).

88. During the September 15, 2022 inspection, APHIS inspectors witnessed an adult female white-tailed deer trap her front leg in a gap between the wall of her stall and a wooden gate. Before the entrapment, she appeared stressed and was darting around the enclosure trying to climb the walls of the stall. As she slid down, she trapped her leg. The deer thrashed, pulled, and twisted her body to try and free her leg. Because no staff members were close, the inspector had to assist the deer by dislodging her leg, so she did not hurt herself more seriously, and immediately notified the attending veterinarian. The deer limped away and stood holding her leg up while heavily breathing with her mouth open. Ex. 2 at 4-5. Gaps that allow animals' body parts to be entrapped risk injuring the animals.

89. During the inspection of the March 2024 auction, APHIS inspectors noted several enclosures in a dangerous state of disrepair. One enclosure had a hole in the fence large enough for a zebra to stick its head through into an adjacent enclosure, where it caught its halter on the fence. Fortunately, the zebra removed its head without injury. A different enclosure housing a nilgai had a broken board with a splintered end, and another enclosure housing three young calves had holes in the walls. Ex. 11 at 2.

90. During the recent July 2024 relicensing inspection, APHIS inspectors noted that many of the enclosures identified as areas that may contain regulated animals during the upcoming September Auction were in need of repair. This included 27 enclosures in the Main Barn, 4

enclosures in the Pipe Barn, and 4 enclosures in the Hog Barn. Additionally, the exterior siding of 8 different sections of Building A had holes. Ex. 1 at 3-4. If the enclosures identified at the July 22, 2024 inspection are not repaired, animals at the upcoming Auction will likely be in danger of injury.

91. APHIS inspectors also observed 34 enclosures identified as ones that may be used in the upcoming September Auction with an excessive accumulation of thick, brownish-black excreta. *Id.* at 4. Poor sanitation threatens the health and well-being of animals that will be brought to Mt. Hope Auction for the impending September 19 Auction.

B. Lack of Sufficient Food and Water

92. Additionally, Defendant has violated the AWA and its regulations and standards and placed animals in “serious danger” by failing to ensure they have adequate access to food and water. *See* 9 C.F.R. § 3.63(a).

93. On the morning of the first day of the September 2023 auction, APHIS inspectors observed numerous rabbits kept overnight that had been deprived of food and water. If an animal drinks for a significant period of time immediately after being provided with water, it indicates that the animal was thirsty and possibly dehydrated. Once provided with water, one rabbit drank for more than 40 seconds, a nursing rabbit with small kits also in her enclosure drank for more than two-and-a-half minutes, and a third rabbit drank for over four minutes, requiring its water cup to be refilled. Inspectors informed the facility representative about the animals’ lack of water, and the remaining rabbits that did not have water were given some. But the next morning, APHIS inspectors again observed rabbit cages without water in a different area of the facility. Once water was provided, one rabbit drank for two minutes, another rabbit drank for over two-and-a-half minutes, a third rabbit drank for four minutes, and five young rabbits in one cage

drank for five minutes, pushing each other out of the way to try and get to the water bowl. Ex. 7 at 2. This behavior indicates that the rabbits were dehydrated.

94. The rabbits were also not provided with adequate food. APHIS inspectors saw one female rabbit with her seven kits trying to reach a half-eaten carrot next to their cage. After an inspector stuck the carrot into the cage, the rabbits were ravenous and pushed each other out of the way to try and eat it, and the kits licked the bars of the cage where the carrot had been. *Id.* at 2.

C. Unsafe Transport Enclosures

95. Defendant has violated the AWA and its regulations and standards and placed the health of animals in “serious danger” by accepting animals housed in inappropriate enclosures for consignment and then storing those enclosures in a manner that creates sanitation issues and other safety concerns for the animals. *See* 9 C.F.R. §§ 3.36(a), (g); 3.61(a), (f); 3.66(c); 3.87(a)(3); 3.137(a), (c), (d), (e); 3.162(a).

96. Defendant generally keeps small animals consigned to the Auction in the transport enclosure provided by the original owner. Animals can remain in these enclosures for up to three or four days during the Auctions.

97. During the September 15, 2022 inspection, nineteen enclosures containing thirty-eight sugar gliders did not have solid bottoms to collect the animals’ excrement or food and water waste. Instead, the cages were on racks with bars, which allowed feces, food, and water to fall on and into the enclosures housing animals beneath them. Ex. 2 at 6. (*See* photo below).



98. Also, during that inspection, a multi-level wire chinchilla enclosure housing three chinchillas had so much accumulated excrement that the animals had very little space to move without walking through it. Ex. 2 at 6. (*See photo below*).



99. APHIS inspectors also saw an albino African crested porcupine housed in an enclosure with wood shavings at the bottom that were completely soaked in excrement and water waste, leaving the animal with no option for moving onto a dry surface. Ex. 2 at 6.

100. Many of the transport enclosures for rabbits, degus, spiny mice, skunks, coyotes, guinea pigs, and hamsters did not have projecting rims—which ensure that adequate ventilation is available for the animals and help prevent any part of the animal not fully inside the enclosure (like fingers, arms, legs, or ears) from injury if something hits the cage. *Id.* at 3, 5, 7. And the rabbit enclosures were stacked three to four cages high and tightly packed together, reducing the ventilation for the rabbits contained therein. *Id.* at 4. APHIS inspectors also saw three rabbit enclosures with sharp, broken wires that could injure the animals. *Id.* at 3. Additionally, many of the transport enclosures lacked handholds and openings, which allow easy access to move the animals in case of emergency and prevent tilting and human contact with the animals when the enclosure is picked up. *Id.* at 3, 5, 7. None of the transport enclosures observed on September 15, 2022 had markings indicating that they held a live animal or an arrow indicating the correct

upright position of the cage, allowing for inappropriate handling of the animals. *Id.* at 3, 5, 7.

These citations were the first of many for these issues.

101. During the November 3, 2022 inspection, APHIS inspectors again observed that many of the primary transport enclosures for the rabbits and other mammals like degus, skunks, and capybara did not have easily accessible openings, projecting rims, or adequate handholds. Ex. 4 at 2, 4.

102. At least ten of the rabbit enclosures were made of small, light-weight laundry baskets with a wire covering that buckled and broke when stacked, and three of the enclosures had sharp broken wires. At least two rabbits escaped from their enclosures during the auction. *Id.* at 2.

103. The rabbits were again stacked three to four enclosures high and packed tightly together on wagons. (*See* photo below). Some of the enclosures were tilting to the point of nearly falling, and heavy wood enclosures were stacked on top of eight light-weight plastic enclosures creating a serious risk of collapse. Ex. 4 at 3.



104. The transport enclosures for the non-human primates also had openings large enough to allow the animals to put their arms outside of the enclosures, which APHIS inspectors saw at least one squirrel monkey do. *Id.* at 3. This is dangerous for the animals for several reasons. Their arms can become stuck, which can cause injury. Additionally, when they are moved, the animals can grab anyone or anything within reach—including dangerous objects, food, or other animals—or their appendages can be smashed. It can also be dangerous for the public because there is a risk of the non-human primate scratching a person.

105. At the March 2023 Auction, again, APHIS inspectors observed that many of the primary transport enclosures for the rabbits, guinea pigs, and other mammals like degus, foxes, African crested porcupines, skunks, bobcats, and raccoons did not have easily accessible openings, projecting rims, or adequate handholds. Ex. 5 at 2, 4, 6. And most of the transport enclosures did not have markings indicating that they held a live animal or an arrow indicating the correct upright position of the cage. *Id.* at 3, 5-6.

106. Also, again, the rabbits were stacked three to four enclosures high and packed tightly together on wagons. *Id.* at 4.

107. APHIS inspectors again saw transport enclosures for non-human primates like a ring-tailed lemur and a squirrel monkey with openings wide enough to allow the animals to stick their hands and arms outside of the enclosure. Indeed, the lemur physically touched guests who approached its crate. *Id.* at 4.

108. During the September 2023 Auction, APHIS inspectors monitored the consignment of the animals for a period of time, and during much of that time, the inspectors informed the consignor and often the facility at the time of consignment when the primary transport enclosures did not meet the AWA's standards. Despite USDA's warnings, the vast majority of the enclosures for

the rabbits and many of the enclosures for the other animals consigned to the Auction were not compliant, again lacking projecting rims or handholds. Ex. 7 at 1-3.

109. Inspectors also observed transport enclosures for non-human primates and birds⁶ that allowed the animals to stick different parts of their bodies outside of their enclosures, as well as a pigeon and a pheasant that escaped from their cages. *Id.* at 2-3.

110. During the November 2, 2023 inspection, APHIS inspectors saw two Bar-headed geese trap their beaks in the wire sides of their enclosures, causing actively bleeding wounds. Ex. 9 at 1-2.

111. APHIS inspectors also saw numerous other improperly constructed primary transport enclosures for birds. Some of the enclosures did not have a leak-proof bottom or collection tray, allowing for fecal material to contaminate the enclosures beneath them. Additionally, many of the enclosures did not have handholds and were not marked with the words “Live Animal,” inviting inappropriate handling, especially in an emergency situation. And APHIS inspectors again saw numerous birds able to stick their heads or other body parts outside of their enclosures, putting them at risk of injury and restricted movement. Ex. 8 at 1-2.

112. Also at this inspection, roughly half of the rabbit enclosures did not have rims to ensure proper ventilation or adequate handholds, and two of the enclosures had sharp bent or broken wires projecting into the enclosure. *Id.* at 1.

113. During the March 2024 Auction, APHIS inspectors again saw primary enclosures for three cavy, one capybara, and twelve goats lacking projecting rims that would ensure proper ventilation, as well as markings showing they contained a live animal and the correct upright

⁶ USDA promulgated AWA standards for the humane handling, care, treatment, and transportation for birds for the first time in February 2023, and they went into effect August 21, 2023. 88 Fed. Reg. 10,654 (Feb. 21, 2023).

position for the enclosures. The goat and capybara enclosures also did not have handholds. Ex. 11 at 3.

114. A quail was also able to push its head through the wire mesh on the side of its enclosure. Ex. 12 at 2.

D. Incompatible Animals Housed Together

115. Additionally, Defendant violated the AWA and its regulations and standards and placed animals in “serious danger” by housing incompatible animals next to each other. *See* 9 C.F.R. § 3.133.

116. At the March 2024 Auction, three dromedary camels were in adjacent enclosures, where the young camel in the middle enclosure faced harassment from the camels on either side of it. (*See* photo below). On one side, a mature camel would bite at its head and neck, and on the other side, a juvenile camel would slide its neck through the fence and chew on the camel’s halter. The mature camel also tried to interact with a zebra housed adjacent to it, causing the zebra to pace back and forth more quickly—a sign of distress. Ex. 11 at 3.



E. Insufficient Space in Enclosures

117. Defendant has violated the AWA and its regulations and standards by allowing animals to be housed in enclosures too small to hold them comfortably and safely. *See* 9 C.F.R. §§ 3.61(c); 3.162(e).

118. Inadequate space can cause unnecessary discomfort and distress to animals.

119. During the November 3, 2022 inspection, APHIS inspectors observed that the transport enclosures for an African crested porcupine and fox were not large enough for the animals. When the porcupine laid down, its head touched one end of the enclosure while its quills stuck out from the other end. The fox's body touched all sides of its enclosure, and the animal did not appear able to stand. Ex. 4 at 4. The fox remained in the same spot across multiple days, unable to move into any other position.

120. At the March 2023 Auction, APHIS inspectors saw that many of the primary transport enclosures were not large enough for the animals. Multiple rabbits could not make normal postural adjustments like standing up or turning around. Ex. 5 at 3. The enclosures for a kangaroo and a wallaby were not large enough for the animals to stand upright, forcing them to hunch. The crates for a red fox and a porcupine also did not allow the animals sufficient space. *Id.* at 5.

121. During the November 2023 Auction, one rabbit enclosure housing seven adult rabbits was too small for all the animals. The rabbits touched all sides of the enclosure and could not make normal postural adjustments. One rabbit tried to move but fell into the water receptacle. Ex. 8 at 1.

122. At the same Auction, two enclosures holding chickens did not provide sufficient space for the birds to make normal postural adjustments. *Id.* at 2.

123. At the March 2024 Auction, inspectors identified a goat transport enclosure housing twelve young goats without enough space for the animals to turn about freely. (*See photo below*). Enclosures that are too small inhibit the natural movements of animals and can cause unnecessary stress and discomfort, as well as injury. Ex. 11 at 3.



124. Despite many citations over the last two years and repeated discussions with the facility representatives regarding the specifications for safe enclosures, these problems have persisted. Without injunctive relief, Defendant is likely to continue housing animals in enclosures that are in poor repair, present risks to the animal, or are unsanitary. Defendant is also likely to continue accepting animals in transport enclosures where they are held for days and stacked closely together without proper ventilation precautions, labeling, emergency access, sufficient space, and appropriate containment of all body parts.

III. Defendant Has Violated the AWA and Its Regulations and Placed the Health of AWA-Regulated Animals at the Auction in “Serious Danger” by Allowing for and Using Dangerous Handling.

125. On several occasions, Defendant violated the AWA and put animals at risk by allowing its employees to use dangerous handling practices. *See* 9 C.F.R. § 2.131(b)(1). Mishandling can cause behavioral stress, physical injury, and unnecessary discomfort to animals. It can also risk injury to the people involved.

126. During a sale at the March 2024 Auction, APHIS inspectors observed one of Defendant’s employees grabbing an adult red kangaroo by the tail and spinning it around to direct it in the sales ring. The kangaroo repeatedly jumped and pawed at the floor as it struggled to escape the man’s grip. Ex. 11 at 1.

127. Defendant’s staff also mishandled a goat in a way that could have hurt the animal. One employee grabbed the goat by each side of its head, lifting its front hooves off the ground, and used his knee to slide the animal into the ring. Another employee later grabbed the goat by the skin on its lower back and lifted it off the ground while taking several steps. Ex. 12 at 2.

128. At the March 2023 Auction, APHIS inspectors saw a soaking wet Patagonian cavy in a wet crate. (*See* photo below). A facility representative had placed the animal in the room because it was raining outside but did nothing else to help the animal dry off effectively, which can cause stress and potential illness to the animal. Ex. 5 at 2.



129. In addition to improper employee handling, Defendant has repeatedly failed to comply with the AWA’s requirement for sufficient distance or physical barriers between animals and the general viewing public, or the requirement for a responsible, knowledgeable, and readily identifiable employee to be present during all times of public contact with animals. *See* 9 C.F.R. § 2.131(c)(1), (d)(2), (e).

130. Defendant places the animals at the Auction in “serious danger” by failing to prevent the public from touching and harassing the animals.

131. Allowing the public, including children, to directly interact with animals without appropriate employee supervision risks serious injury and disease exposure to members of the public.

132. Public interaction with animals at the Auction is also dangerous for the animals in several ways. People could directly injure an animal through rough handling. People could feed

the animals food and other items that the animals should not eat. Also, the stress of having so many people close to the animals, attempting to interact with them, on top of the stress of an unfamiliar place, and small, often improperly constructed enclosures with no place to hide from view can cause the animals to act in a manner that could injure themselves or the public.

Additionally, when it comes to animals that are known carriers of rabies like coyotes, foxes, raccoons, skunks, and bats, if the animal bit a person, then it may need to be euthanized to check for the disease.

133. At the September 2022 Auction, APHIS inspectors observed members of the public entering a holding area to touch or pet animals that could be dangerous, including coyotes, skunks, raccoons, foxes, and kinkajou. (See photo below of a patron touching a fennec fox through its enclosure). This area had a small, easily moveable secondary fence and warning signs about the animals that did little to deter public access. No facility employees were present to stop public handling of the animals, and even after APHIS inspectors notified staff members and the veterinarian of the issue, the area did not have a consistent attendant. Ex. 2 at 1-2.



134. The inspectors also saw members of the public touching, petting, and hugging a large, mature dromedary camel. (See photo below). No facility employees were there to deter public interaction. After inspectors notified auction staff of the issue, an additional wire panel was

added to one of the enclosure's gates, but the public continued to contact the camel via another gate. Ex. 2 at 2.



135. During the November 2022 Auction, APHIS inspectors again observed members of the public entering the holding area with the easily movable secondary fence to touch or pet animals that could be dangerous such as skunks, raccoons, foxes, a kinkajou, and porcupines. Again, no facility employees were consistently present to deter public handling of the animals even after APHIS inspectors notified the facility of the issue. Ex. 4 at 1. Members of the public were also observed petting a dromedary camel and numerous other smaller mammals without any readily identifiable employee present. *Id.* at 2.

136. At the March 2023 Auction, APHIS inspectors once again saw members of the public entering the same holding area to pet skunks, foxes, raccoons, and bobcats. The animals exhibited behavior indicating stress because of the public's proximity. Some foxes were repetitively circling in an abnormal pattern, the raccoons were rocking back and forth against the far side of their cage, and a bobcat was loudly vocalizing and unable to get away from a member of the public leaning towards it just a few inches away. Ex. 5 at 1. APHIS inspectors also saw

members of the public touching a camel, fox, skunk, and ring-tailed lemur. Due to the high volume of people and animals at the facility and the lack of readily identifiable employees or public barriers, employees are unable to adequately prevent public contact. *Id.* at 2.

137. During the September 2023 Auction, APHIS inspectors observed members of the public touching rabbits in cages precariously stacked on wagons. The inspectors also saw members of the public touching animals in the auction staging area, including a capuchin monkey, a kinkajou, a fox, and skunks. While there were employees sporadically present, they did not effectively stop these public interactions. Ex. 7 at 1.

138. APHIS inspectors also again saw members of the public in the hoofstock barn touching and petting two juvenile dromedary camels with no facility employees present. Ex. 4 at 1-2.

139. At the March 2024 Auction, APHIS inspectors saw a member of the public touching a large, male bison. After the contact, the bison violently struck the gate with its head. Ex. 11 at 1.

140. In another hoofstock barn, a family, including several children, were seen petting a zebra exhibiting signs of stress and a dromedary camel. *Id.*

141. Inspectors also observed a family harassing a large ostrich that was able to slide its head and neck through its fence. The group, which included children, gathered around the enclosure, and individuals from the family repeatedly presented their arms to try and get the ostrich to bite. The ostrich bit the coat of one individual, and the group responded by yelling in front of the enclosure. *Id.*

142. Although the inspectors notified several staff members of the observed animal contacts during the March 2024 Auction, Defendant did not create effective barriers or ensure consistent attendant presence for the duration of the Auction.

143. Members of the public were even seen entering enclosures and touching the animals

without an attendant present. One man entered a pen with three young calves, cornering and touching one of them. Another man entered a stall with five llamas, holding one by the halter and trying to examine another. *Id.* at 2.

144. Despite numerous citations and exit interviews discussing the need to prevent unsupervised public contact with the animals, these public handling issues have persisted from the September 2022 Auction to the most recent Auction in March 2024.

IV. Defendant Mt. Hope Auction Has Violated the AWA and Its Regulations by Repeatedly Failing to Maintain Complete and Accurate Records.

145. Defendant has violated the AWA and its regulations by failing to maintain complete and accurate records of the consigned animals at the Auctions from 2022 to at least July 2024.

Defendant has been cited four times for record-keeping violations and each time has received instructions on how to properly fill out auction records. Regardless of USDA's efforts to help Defendant come into compliance with the clear requirements of the AWA regulations, Defendant's failure to make and maintain accurate and complete records has continued. *See* 9 C.F.R. § 2.76(a) (setting requirements for recordkeeping for operators at an auction).

146. Nearly all of Defendant's approximately 1000 records of acquisition from the September 2022 Auction were missing some of the required information for the consignor. About 90% of the records were missing the date of birth or age of the consigned animal. Almost all the records were missing the color and/or distinctive markings for the consigned animals. About 50 records were missing the date of consignment. About 100 records were missing the USDA License number (if licensed) or the vehicle license number and driver's license or state-issued ID (if the consignor was not licensed under the AWA). One record consigning a total of 24 animals was missing the address for the consignor. Many records were missing several pieces of required information. Ex. 3 at 1.

147. The disposition forms generated by Defendant for the March 2023 Auction did not contain all required information, including the sex and approximate age of the animal and the USDA license number (if the consignor is licensed). Ex. 6 at 1.

148. Defendant's consignment records for the September and November 2023 Auctions were again incomplete. At least 100 consignor records for both the September and November sales were missing identifying information such as the USDA license number (if licensed) or the vehicle license number and driver's license or state-issued ID (if the consignor was not licensed under the AWA). None of the disposition records from the September and November sales contained the sex or approximate age of the animal as required. Ex. 10 at 3.

149. At the most recent inspection, 187 consignment records from the March 2024 Auction were again missing required identifying information including the USDA license number (if licensed) or the vehicle license number and driver's license or state-issued ID (if the consignor was not licensed under the AWA). Additionally, 26 disposition records were missing the USDA license number even though the buyer was licensed. Ex. 1 at 1.

150. Accurate recordkeeping is essential for APHIS to be able to track animal movements and ensure the well-being of animals. Defendant habitually fails to maintain legally required records of the consigned animals at its Alternative Animal Auctions.

V. Defendant Mt. Hope Auction Has Violated the AWA by Repeatedly Facilitating Illegal Procurement of Animals.

151. Defendant Mt. Hope Auction has violated the AWA and its regulations by knowingly accepting animals for sale from unlicensed individuals who were required to have a USDA license at their Alternative Animal Auctions from 2022 to at least July 2024. *See* 9 C.F.R. § 2.132(d).

152. Records from the September 2022 Auction show that Defendant knowingly accepted

animals for sale from unlicensed individuals for species that require a USDA license, including: four ring-tailed lemurs, two kinkajou, two capybaras, a zebra, a Patagonian cavy, five foxes, four raccoons, four opossum, and two coyotes. Additionally, a seller consigned a porcupine to Defendant with an invalid USDA license number. Defendant can easily verify license numbers using the online USDA, Animal Care Public Search Tool. *See* <https://aphis.my.site.com/PublicSearchTool/s/> (last visited Aug. 25, 2024); Ex. 3 at 1-2.

153. Records from the March 2023 Auction show that Defendant consigned at least 13 animals from unlicensed individuals who were required to be licensed, including a ring-tailed lemur, three camels, three bobcats, two raccoons, and four skunks. Ex. 6 at 1-3

154. Records from the September and November 2023 Auctions show that Defendant accepted more than 80 animals for consignment from unlicensed individuals who were required to have a USDA license or one-time exemption, including a ring-tailed lemur, five flying squirrels, two short-tailed opossum, and twenty-two skunks.

155. These consignments happened even though APHIS inspectors were present in the consignment area during both Auctions for part of the time that the Defendant accepted animals. APHIS inspectors advised Defendant how to check if a customer has an active USDA license by using the public search tool. However, a large number of unlicensed individuals were still allowed to consign species that almost certainly required a USDA license to sell when inspectors were not actively observing the consignment. Indeed, during the September 2023 Auction, Defendant's staff were present and aware that APHIS inspectors turned away an unlicensed individual who presented foxes for consignment, yet Defendant's staff accepted those same foxes for consignment later that same day when inspectors were no longer present. Ex. 10 at 4-5.

156. At the March 20, 2024, inspection, APHIS inspectors personally observed Defendant

knowingly accept four muntjac (small deer) for consignment from an individual who did not have a USDA license. Ex. 11 at 2.

157. Records from the March 2024 Auction show that Defendant accepted a total of 83 animals for consignment from 43 unlicensed individuals who were required to be licensed, including a camel, 3 chinchillas, a porcupine, a zebra, and 3 ostriches. Ex. 1 at 1-3.

158. Defendant not only knowingly facilitated illegal procurement of animals but repeatedly did so despite warnings from APHIS inspectors. Defendant has not made any meaningful effort to correct this unlawful conduct in nearly two years.

159. When unlicensed individuals are allowed to buy or sell animals intended for use as pets or for exhibition without a valid USDA license, it perpetuates illegal and unregulated ownership and trade of these animals. Unlicensed individuals may avoid routine inspections, which could otherwise ensure the humane care of the animals in their possession. It also makes it more difficult to trace the animal's medical or legal history or to determine if other unlawful activity is occurring.⁷

CLAIMS FOR RELIEF

Claim 1

Defendant's ongoing practices have placed the health of animals in serious danger in violation of 7 U.S.C. § 2159 and will place the health of animals in serious danger in the imminent future.

160. The United States incorporates by reference all allegations of the Complaint.

161. Defendant is placing the health of the animals present at the Auction in serious danger in violation of the AWA and its regulations and standards. 7 U.S.C. § 2159(a).

⁷ Notably, several animals involved in these illegal procurements, including ring-tailed lemurs, are listed as endangered species under the Endangered Species Act, 16 U.S.C. § 1540 *et seq.* The Endangered Species Act imposes additional requirements for the sales of these animals, which are harder to enforce if accurate and complete records are not maintained.

162. Defendant is a dealer under the AWA because it is a person who, in commerce, for compensation or profit, delivers for transportation, transports, buys, or sells, or negotiates the purchase or sale of animals for teaching, exhibition, or use as a pet. 7 U.S.C. § 2132(f); 9 C.F.R. § 1.1 (the definition of a “dealer” “includes brokers, and operators of an auction sale, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce”).

163. Defendant is placing the health of the animals present at the Auction in serious danger by failing to provide adequate veterinary care or to conduct the required daily observations of all animals to assess their health and well-being in violation of 9 C.F.R. § 2.40(a), (b). Defendant has not fulfilled its obligation to ensure adequate veterinary care to all animals present at the facility during the Auctions. These violations have caused animals to suffer or die at past Auctions.

164. Defendant is placing the health of the animals present at the Auction in serious danger by failing to provide them with safe and hospitable housing conditions in violation of 9 C.F.R. §§ 3.36(a), (g); 3.61(a), (c), (f); 3.63(a); 3.66(c); 3.87(a); 3.125(a); 3.131(a), (c); 3.133; 3.137(a), (c), (d), (e); 3.162(a), (e). These violations have caused animals injury, stress, discomfort, and suffering at past auctions.

165. Defendant is placing the health of the animals present at the Auction in serious danger by allowing for and using improper or dangerous handling practices in violation of 9 C.F.R. § 2.131(b), (c), (d), (e). These violations have caused animals stress, discomfort, and suffering at past auctions and exposed them to a risk of injury or other serious harm.

166. In an announced relicensing inspection conducted on July 22, 2024, dozens of enclosures intended for use in the upcoming September 19-21, 2024 Auction required repairs in order to safely house animals in accordance with the AWA regulations and standards. Animals housed in

these enclosures with broken boards, holes, and other structural defects could suffer injuries or have body parts entrapped. Dozens of other enclosures intended for use in the upcoming September 19-21, 2024 Auction had not been adequately cleaned, with excessive accumulation of excrement on various surfaces. Poor sanitation can lead to contamination or the spread of disease and can attract pests. Ex. 1.

167. Unless enjoined, Defendant will continue to place the health of animals present at future Alternative Animal Auctions, including the upcoming September 2024 Auction, in serious danger in violation of the AWA and its regulations and standards.

168. The United States is entitled to an injunction to prevent and restrain Defendant from operating in violation of the AWA and its implementing regulations and standards. 7 U.S.C. § 2159(b).

Claim 2

Defendant has failed to provide adequate veterinary care in violation of 7 U.S.C. § 2143(a)(1), (2)(A) and 9 C.F.R. § 2.40.

169. The United States incorporates by reference all allegations of the Complaint.

170. As set forth above, Defendant is violating the AWA and its implementing regulations and standards by failing to provide animals present at the Auction with adequate veterinary care in violation of 7 U.S.C. § 2143(a)(1), (2) and 9 C.F.R. § 2.40.

171. Unless enjoined, Defendant will continue to violate the AWA, and its regulations and standards, causing needless suffering or even the death of animals at its facility.

172. The United States is entitled to an injunction to prevent and restrain Defendant from operating in violation of the AWA and its implementing regulations and standards. 7 U.S.C. § 2146(c).

Claim 3

Defendant has failed to provide safe and hospitable housing conditions in violation of 7 U.S.C. § 2143(a)(1), (2) and 9 C.F.R. §§ 3.36(a), (g); 3.61(a), (c), (f); 3.63(a); 3.66(c); 3.87(a); 3.125(a); 3.131(a), (c); 3.133; 3.137(a), (c), (d), (e); 3.162(a), (e).

173. The United States incorporates by reference all allegations of the Complaint.

174. As set forth above, Defendant is violating the AWA and its implementing regulations and standards by failing to provide animals present at the Auction with hospitable housing conditions in violation of 7 U.S.C. § 2143(a)(1), (2) and 9 C.F.R. §§ 3.36(a), (g); 3.61(a), (c), (f); 3.63(a); 3.66(c); 3.87(a); 3.125(a); 3.131(a), (c); 3.133; 3.137(a), (c), (d), (e); 3.162(a), (e).

175. Unless enjoined, Defendant will continue to violate the AWA, and its regulations and standards, causing needless suffering of animals at its facility.

176. The United States is entitled to an injunction to prevent and restrain Defendant from operating in violation of the AWA and its implementing regulations and standards. 7 U.S.C. § 2146(c).

Claim 4

Defendant has used and failed to prevent the use of dangerous handling practices in violation of 7 U.S.C. §§ 2142, 2143(a)(1), (2) and 9 C.F.R. § 2.131(b), (c), (d), (e).

177. The United States incorporates by reference all allegations of the Complaint.

178. As set forth above, Defendant is violating the AWA and its implementing regulations and standards by using and failing to prevent the use of dangerous handling practices in violation of 7 U.S.C. §§ 2142, 2143(a)(1), (2) and 9 C.F.R. § 2.131(b), (c), (d), (e).

179. Unless enjoined, Defendant will continue to violate the AWA, and its regulations and standards, causing needless suffering of animals at its facility.

180. The United States is entitled to an injunction to prevent and restrain Defendant from operating in violation of the AWA and its implementing regulations and standards. 7 U.S.C.

§ 2146(c).

Claim 5

Defendant has failed to create and maintain complete and accurate records in violation of 7 U.S.C. §§ 2140, 2142, and 9 C.F.R. § 2.76(a).

181. The United States incorporates by reference all allegations of the Complaint.

182. As set forth above, Defendant is violating the AWA, and its implementing regulations and standards, by failing to create and maintain complete and accurate records in violation of 7 U.S.C. §§ 2140 and 2142 and 9 C.F.R. § 2.76(a).

183. The United States is entitled to an injunction to prevent and restrain Defendant from operating in violation of the AWA and its implementing regulations and standards. 7 U.S.C. § 2146(c).

Claim 6

Defendant has facilitated the illegal procurement of animals in violation of 7 U.S.C. §§ 2134 and 2142 and 9 C.F.R. § 2.132(d).

184. The United States incorporates by reference all allegations of the Complaint.

185. As set forth above, Defendant is violating the AWA, and its implementing regulations and standards, by knowingly obtaining and facilitating the sale of animals from persons who are required to be licensed but do not hold a current, valid USDA license in violation of 7 U.S.C. §§ 2134 and 2142 and 9 C.F.R. § 2.132(d).

186. The United States is entitled to an injunction to prevent and restrain Defendant from operating in violation of the AWA and its implementing regulations and standards. 7 U.S.C. § 2146(c).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Declare that Defendant has placed and is likely to imminently place the health of animals

at Defendant's facility in serious danger in violation of the AWA and its regulations and standards, 7 U.S.C. § 2159;

2. Declare that Defendant has violated and continues to violate the AWA, 7 U.S.C. §§ 2134, 2140, 2142, and 2143(a)(1), (2), and its implementing regulations and standards;
3. Preliminarily enjoin and restrain Defendant from violating the AWA by placing the health of animals at its facility in serious danger, 7 U.S.C. § 2159;
4. Preliminarily and permanently enjoin and restrain Defendant from violating the AWA and its implementing regulations and standards, 7 U.S.C. § 2146(c); and
5. Grant other relief that the Court deems just and proper.

DATED: September 6, 2024

Respectfully submitted,

REBECCA C. LUTZKO
United States Attorney

/s/ Kathryn G. Andrachik

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Attorneys for the United States of America

EXHIBIT LIST

- Exhibit 1 - July 22, 2024 Relicensing Inspection Report
- Exhibit 2 - September 15, 2022 Inspection Report
- Exhibit 3 - October 21, 2022 Inspection Report
- Exhibit 4 - November 3, 2022 Inspection Report
- Exhibit 5 - March 23, 2023 Inspection Report
- Exhibit 6 - April 20, 2023 Inspection Report
- Exhibit 7 - September 14, 2023 Inspection Report
- Exhibit 8 - November 2, 2023 Inspection Report
- Exhibit 9 - November 2, 2023 Inspection Report – Direct Citations
- Exhibit 10 - February 12, 2024 Inspection Report
- Exhibit 11 - March 20, 2024 Inspection Report
- Exhibit 12 - July 22, 2024 Focused Inspection Report

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
	Brief description of cause:

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions):	JUDGE	DOCKET NUMBER
------------------------------	---------------------	-------	---------------

DATE	SIGNATURE OF ATTORNEY OF RECORD
------	---------------------------------

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

I.

Civil Categories: (Please check one category only).

1. ☐ General Civil
2. ☐ Administrative Review/Social Security
3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II.

RELATED OR REFILED CASES See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: ☐ is **RELATED** to another **PENDING** civil case ☐ is a **REFILED** case ☐ was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III.

In accordance with Local Civil Rule **3.8**, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY:

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY:

(3) **Other Cases** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV.

The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section **III**, please check the appropriate division.

EASTERN DIVISION

☐
☐
☐

AKRON

CLEVELAND

YOUNGSTOWN

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

☐

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SANDY OPACICH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Exhibit 1

July 22, 2024 Relicensing Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

CRADZAI
INS-0001080805

Inspection Report

Mount Hope Auction Inc
PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: RE-LICENSE INSPECTION

Date: 22-JUL-2024

2.76(a)

Repeat

Records: Operators of auction sales and brokers.

During the March 2024 sale, numerous records were incomplete:

Acquisition/consignment records for the following lots were missing vehicle license and/or driver's license/state ID number and/or USDA license number (if licensed): 170-172, 174, 379, 381-386, 417-421, 616, 648-652, 1556-1557, 1701-1742, 1773, 1776-1778, 1854-1871, 1891-1898, 2004, 2014-2017, 2028, 2201, 2216-2217, 2200-2222, 2225-2231, 2234-2235, 2254-2258, 2270, 2272, 2601-2602, 2661-2662, 2707, 2711, 2735-2743, 2869-2870, 7648-7658, 7783-7784, 8415-8416, 8525-8534, and 8545.

-Disposition/sales records for the following buyers/lots were missing USDA license number when the buyer is USDA licensed:

•Buyer # 809- Lot 8446

•Buyer # 1580- Lots 7758-7759

•Buyer # 1678- 1716-19, 2403, 2404, 2430, 2427, 2429, 2431, 2432, 2442, 2455, 2454, 2464, 2462, 2483, 2482, 2504, 2514, 2461, 2474, 2508

Failure to maintain complete records limits APHIS's ability to properly track animal movements and ensure the well-being of those animals. The auction shall make, keep, and maintain records/forms which fully and correctly disclose all the required information of each animal consigned for auction or sold. Correct by ensuring that all records are complete and contain all the required information including: the USDA License number (if licensed) or the vehicle license number and driver's license or state issued ID if the consignor is not licensed under the AWA. These non-compliant items must be corrected by the next Re-License inspection.

2.132(d)

Critical

Repeat

Procurement of dogs, cats, and other animals; dealers.

During the March 2024 sale, the auction accepted animals for consignment from un-licensed individuals who were required to be licensed. These individuals did not hold a current, valid, and unsuspended USDA license or a one-time exemption:

Prepared By: CHRISTINA RADZAI

USDA, APHIS, Animal Care

Date:

06-AUG-2024

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:

06-AUG-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

CRADZAI
INS-0001080805

Inspection Report

A consignor sold 1 yak (lot #2026) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 1619).
A consignor sold 1 zebu (lot #2705) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 1619).
A consignor sold 1 eland (lot #2247) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 1960).
A consignor sold 2 Jacob sheep (lots # 636, 638) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 377).
A consignor sold 9 Jacob sheep (lots # 759-761, 764-767, 773-774) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 377).
Sales of exotic hoof stock to licensed facilities require a license.

A consignor sold 1 emu (lot # 1980) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 1960).
A consignor sold 1 emu (lot # 8259) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 1960).
A consignor sold 1 emu (lot # 8625) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 1960).
A consignor sold 1 ostrich (lot # 1725) that was purchased by a USDA Licensed C-Exhibitor (Buyer # 1960).
A consignor sold 4 emus (lots # 1716-1719) that were purchased by a USDA Licensed B-Dealer (Buyer # 1678).
Sales of birds that do not meet any exemptions to licensed facilities require a license.

A consignor sold 1 camel (lot # 2270) to buyer # 380.
A consignor sold 1 dormouse (lot # 5942) to buyer # 715.
A consignor sold 1 chinchilla (lot # 8448) to buyer # 413.
A consignor sold 1 porcupine (lot # 7783) to buyer # 1662.
A consignor sold 1 zebra (lot # 2260) to buyer # 251.
A consignor sold 1 Jacob Sheep (lot # 652) to buyer # 1551.
A consignor sold 1 ibex (lot # 1171) to buyer #1551.
A consignor sold 1 Jacob Sheep (lot # 641) to buyer # 1551.
A consignor sold 1 Jacob Sheep (lot # 1132) to buyer # 1551.
A consignor sold 1 Emu (lot # 8292) to buyer # 1867 and 1 Emu (lot #8293) to buyer # 2007.
A consignor sold 1 Zebu (lot # 2627) to buyer # 471.
A consignor sold 1 Emu (lot # 8534) to buyer # 1867.
A consignor sold 1 Yak (lot # 2013) to buyer # 2016.
A consignor sold 5 Zebu (lot # 2719, 2720, 2721, 2724, 2726) to buyer # 1895 and 1 Zebu (lot # 2722) to buyer # 2228.
A consignor sold 1 emu (lot # 8533) to buyer # 1027.
A consignor sold 1 yak (lot # 2023) to buyer # 1723.
A consignor sold 1 Jacob sheep (lot # 1571) to buyer # 972.
A consignor sold 2 emu (lots #1798-1799) to buyer # 1199.
A consignor sold 1 zebu (lot #2791) to buyer # 989 and 3 zebu to buyer # 961.
A consignor sold 1 zebu (lot #2735) to buyer # 989.
A consignor sold 1 zebu (lot # 2831) to buyer # 989.
A consignor sold 1 zebu (lot # 2692) to buyer # 961.
A consignor sold 1 zebu (lot # 2723) to buyer # 961.
A consignor sold 1 zebu (lot # 2631) to buyer # 961.
A consignor sold 1 emu (lot # 8621) to buyer # 1085.
A consignor sold 2 chinchillas (lots # 8447, 8452) to buyer # 1085.
A consignor sold 1 water buffalo (lot # 2032) to buyer # 1085.
A consignor sold 1 ostrich (lot # 1723) to buyer # 1197.

Prepared By: CHRISTINA RADZAI

USDA, APHIS, Animal Care

Date:

06-AUG-2024

Title: VETERINARY MEDICAL
OFFICER

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Date:

06-AUG-2024



United States Department of Agriculture
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CRADZAI
INS-0001080805

Inspection Report

A consignor sold 2 ostrich (lots #1773, 1777) to buyer # 1197.
A consignor sold 1 Jacob sheep (lot # 1076) to buyer # 385.
A consignor sold 3 Jacob sheep (lots # 1342-1344) to buyer #385.
A consignor sold 17 Jacob sheep (lots # 663-679, 681, 687-689) to buyer # 661.
A consignor sold 4 Jacob sheep (lots # 1188, 1191, 1194-1196) to buyer # 661.
APHIS officials confirmed that these animals were not used for any exempted purpose, therefore the sale of these animals requires a license.

No dealer shall knowingly obtain any animal from any person who is required to be licensed but who does not hold a current, valid license or has not received a onetime exemption from USDA to sell the animals. Failure to ensure that consignors of animals which are required to be licensed have a valid license prevents APHIS from ensuring the well-being of those animals at their originating facility. Correct by ensuring that animals are only obtained from sources that hold a current, valid, and unsuspended licensed or from individuals that are exempted from licensure under the AWA. Additionally, ensure that all records are complete and contain the required information.

3.125(a)

Repeat

Facilities, general.

Multiple enclosures were noted to need repair. A facility representative stated that the following areas may contain regulated animals during the Mid-Ohio Alternative Animal & Bird Sale:

-The following enclosures in the Main Barn need repair:

- In Pen 3X and 8X, some of the boards have excessive wear due to chewing.
- In Pen 6X, some of the boards have excessive wear due to chewing, two boards have a hole, and there are several exposed bolts.
- In Bull/Rack Pen #1, #3, and #6 some of the boards have excessive wear due to chewing.
- In Bull/Rack Pen #10, some of the boards have excessive wear due to chewing. A broken board is also present.
- In Bull/Rack Pen #11, #12, and #13 some of the boards have excessive wear due to chewing.
- In Bull/Rack Pen #14 there is a metal post that contains sharp edges in the middle of the side partition.
- In Pen #17, a portion of the back wall contains a large hole and some of the boards have excessive wear due to chewing.
- In Pen #23, #24, #25, #27, #28, #29, #31, and #32 some of the boards have excessive wear due to chewing.
- In Pen #30, some of the boards have excessive wear due to chewing. Several exposed nails were present.
- In the North Rack Enclosure, a portion of the wall near the gate contains several holes.
- In the South Rack Enclosure, a portion of the walls near the gate contain holes and there are several exposed nails.
- In the pens adjacent to the "Basketball Court" Enclosure, Pens #5, #6, #7, and #8 contain a rusty metal bar on the ceiling that supports woven wire panels and appears to have cracks.

-The following enclosures in the Pipe Barn need repair:

- In pens #2, #7, and #9 there is broken and detached metal fencing pipe.
- In pen #5, two metal fencing pipes are broken and detached.

-The following enclosures in the Hog Barn need repair:

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USDA, APHIS, Animal Care

Date:

06-AUG-2024

Title: VETERINARY MEDICAL
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Received by Title: Facility Representative

Date:

06-AUG-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

CRADZAI
INS-0001080805

Inspection Report

- In Pen #114, #116, #118, and #122 the walls have excessive wear/holes due to chewing.

-The following enclosures in Barn B need repair:

- In Pen #70, #72, #73, #75, #78, #93, #102, #105, #116, #117, #118, #119, #120, #121, #122, #123, #124, #125, #132, #135, #136, #137, #138, #139, #140, #142, #154, #156, #158, #161, #164, #167, #168, and #179 have walls where the white coating at the bottom is flaking and peeling.

-The following enclosures in Building A need repair:

- The exterior siding in sections 21, 24, 32, 33, 34, 37, 40, and 46 contains holes.

Failure to maintain facilities in good repair can cause injury, entrapment, distress, illness to regulated animals, and may allow animals to enter facilities. Enclosures and facilities must be structurally sound and maintained in good repair to protect the animals from injury and contain the animals securely.

Correct by ensuring all facilities are maintained in good repair. These non-compliant items must be corrected by the next Re-License inspection. Additionally, this list of non-compliant items is not all inclusive, the applicant must ensure that the entire facility meets all the requirements under 3.125(a).

3.131(a)

Sanitation.

The facility is not adequately cleaning enclosures. A facility representative stated that the following areas may contain regulated animals during the Mid-Ohio Alternative Animal & Bird Sale:

-The following enclosures in the Main Barn are not adequately cleaned:

- 16 Bull/Rack Pens contain an excessive accumulation of excreta. The excreta was thick, brown/black in color, and is located primarily on the back gate and lower boards of each pen.
- Pen #17 contains an excessive accumulation of excreta. The excreta was thick, brown/black in color, and located on the lower boards.
- Pen #22, #23, #24, #25, #26, #27, #30, contain an excessive accumulation of excreta on some of the gates, lower boards, and support posts. The excreta was thick and brown/black in color.
- In Pen 12F/13F, 14F/15F, 16F/17F, 18F/19F, 20F/21F, and 22F/23F some of the boards contain excessive accumulation of excreta. The excreta was thick and brown/black in color.
- In the North Rack Enclosure, there is an excessive accumulation of excreta located on the wall near the gate. The excreta was thick and brown/black in color.
- In the South Rack Enclosure, there is an excessive accumulation of excreta located on the wall near the gate. The excreta was thick and brown/black in color.

-The following enclosures in the Pipe Barn are not adequately cleaned:

- Pen #2 and Pen #5 have an excessive accumulation of excreta. The excreta is present on some of the lower boards on the back walls. The excreta was thick and brown/black in color.

Accumulations of excreta can lead to contamination of the animals, may lead to spread of disease, and create odors.

Prepared By: CHRISTINA RADZAI

USDA, APHIS, Animal Care

Date:

06-AUG-2024

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:

06-AUG-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

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INS-0001080805

Inspection Report

Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors.

Correct by ensuring that excreta is removed as often as necessary to prevent accumulation that may affect the animals. These non-compliant items must be corrected by the next Re-License inspection. Additionally, this list of non-compliant items is not all inclusive, the applicant must ensure that the entire facility meets all the requirements under 3.131(a).

3.131(c)

Sanitation.

Housekeeping problems were noted in some areas of the facility. A facility representative stated that the following areas may contain regulated animals during the Mid-Ohio Alternative Animal and Bird Sale:

- In the main barn in the Bull/Rack Pens #1, #2, #3, #4, #5, and #6, had numerous cobwebs, dust, and debris on the upper walls and support beams. The cobwebs were thick and covered with dust and dirt.
- Pens #5, #6, #7, and #8 in the "Basketball Court" area contain excessive amounts of cobwebs, dust, and debris on the upper walls and ceiling. The cobwebs were thick and covered with dust and dirt.

The lack of housekeeping and sanitation may attract pests into the facility, result in unpleasant odors, and may contribute to the spread of disease. Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury, protect their health, and to facilitate the prescribed husbandry practices.

Correct by ensuring that surfaces are kept clean and maintained in good repair. These non-compliant items must be corrected by the next Re-License inspection. Additionally, this list of non-compliant items is not all inclusive, the applicant must ensure that the entire facility meets all the requirements under 3.131(c).

This is a 1st Re-License Inspection for a Class "B" license. The facilities inspection was conducted on 7/22/24 & 7/23/24 with the applicant. An exit briefing to discuss facility non-compliances and missing information on disposition/sales records was conducted on 7/25/24 with the applicant. A final exit briefing to discuss the entire inspection was conducted on 8/5/24 with the applicant.

All items must be in compliance within 2 more inspections or by October 4, 2024 or the applicant will forfeit the license fee and must wait 6 months to reapply. Please contact your inspector to schedule your next Re-License Inspection.

Regulated activity can continue under your existing USDA license until it expires.

Additional Inspectors:

Jonathan Tomkovitch, VETERINARY MEDICAL OFFICER

Prepared By: CHRISTINA RADZAI

USDA, APHIS, Animal Care

Date:

06-AUG-2024

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:

06-AUG-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

CRADZAI
INS-0001080805

Inspection Report

ROBERT MARKMANN, ANIMAL CARE INSPECTOR

Kristina Plank, ANIMAL CARE INSPECTOR

Prepared By: CHRISTINA RADZAI
USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL
OFFICER

Date:
06-AUG-2024

Received by Title: Facility Representative

Date:
06-AUG-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 22-Jul-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	22-JUL-2024

Count	Scientific Name	Common Name
-------	-----------------	-------------

000000	NONE	NONE
000000	Total	



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 22-Jul-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	22-JUL-2024

Exhibit 2

September 15, 2022 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

MOUNT HOPE AUCTION INC

PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 15-SEP-2022

2.40(b)(3) Critical

Attending veterinarian and adequate veterinary care (dealers and exhibitors).

A small white hornless ram (Bangs tag KY 9157, stall tag 362) was found deceased by the inspectors in the main sale barn of the facility. When the auction staff and on-site veterinarian were notified by inspectors, they were unaware of the animal's condition. At the time of discovery, the animal was laterally recumbent and partially covered with straw. The ram had not undergone any obvious postmortem changes, including rigidity. There were no other animals present in the stall. Hay and water were present.

When animals aren't observed adequately on a daily basis, health conditions and behavior changes can be missed, leading to progression of disease or injury, including death. The licensee must ensure that adequate daily observations are made for all animals, and timely and accurate information regarding animal health, behavior, and well-being are communicated directly and frequently to the attending veterinarian. Correct by 09/16/2022.

2.131(c)(1) Repeat

Handling of animals.

During the auction, members of the public were observed walking into a holding area containing caged, potentially dangerous, animals including skunks, raccoons, foxes, kinkajou, and coyotes. This area is behind secondary fencing which has posted signs stating, "please keep hands out of pens," "danger very aggressive animals," and "please keep gate closed." Despite the signs, members of the public were observed inside the secondary fence, and many were

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USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

16-SEP-2022

Received by Title: Facility Representative

Date:

16-SEP-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

attempting to touch or pet the animals. One member of the public commented that one coyote was friendly and allowed her to pet the animal. At this point, no facility employees were present to deter the public from handling the animals. The inspectors notified several staff members and the show veterinarian of the animal contact, however, a consistent attendant was not present in this area to observe the public during the duration of the auction.

In the hoofstock barn, members of the public were observed touching, petting, and hugging a large mature dromedary camel. The camel was able to put his head over the gate which allowed him to be at the level of the public walking through the barn. No facility employees were observed in this area of the hoofstock barn to deter the public from interacting with the animals. When notified, the facility added an additional wire panel to one of the gates of the enclosure, however, the other gate remained the same and still allowed for contact.

Failure to ensure appropriate distance and/or barriers, can allow for unintended interactions and lead to harm to the animals or the public members. The facility is responsible for safe exhibition of the animals while on auction grounds, including sufficient distance and/or barriers between the animals and general viewing public so as to assure the safety of both animals and the public. Correct by: 9/17/2022

2.131(d)(2)

Handling of animals.

During the auction, members of the public were observed petting a dromedary camel and touching numerous smaller mammals (fox, skunk, kinkajou, and coyotes). In these areas, the facility did not have readily identifiable employees on hand during the public interactions with the animals. The facility has signage trying to deter people from touching the animals, however, members of the public continued to contact the animals.

A lack of readily identifiable attendants to deter the public from contacting the animals can allow for unintended interactions which could lead to harm to the animals or members of the public. A responsible, knowledgeable and readily,

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Date:
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United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

identifiable employee or attendant must be present at all times during periods of public contact whether intended or not.

Correct by: 9/17/2022

3.61(a)

Primary enclosures used to transport live rabbits.

A majority of the primary transport enclosures for the rabbits did not contain easily accessible openings, projecting rims, or adequate handholds. Approximately, 90% of these enclosures did not contain openings to allow easy access in case of an emergency with the rabbit. 95% of the enclosures also did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal. Sharp, broken wires, were also observed in 3 of the rabbit enclosures

A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for inadequate ventilation if the cages are stacked, and can cause unintentional contact between the handler and the animal during transport. Sharp points or protrusions can also cause injury to the animals.

All primary transport enclosure for rabbits must contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal. Primary enclosure must also be free from any protrusions that could be injurious to the live rabbits. Correct by 9/30/2022.

3.61(f)

Primary enclosures used to transport live rabbits.

None of the primary transport enclosures for the rabbits were marked with the words "Live Animal" or arrows indicating the correct upright position of the cage. Approximately 192 rabbits were observed in enclosures missing these markings. Failure to clearly mark transport enclosures can allow for inappropriate handling of the cages as its contents and position

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Title: ANIMAL CARE INSPECTOR

Date:
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Received by Title: Facility Representative

Date:
16-SEP-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

may be unclear to the staff. Primary enclosures used to transport live rabbits must be marked with the words "Live Animal" in letters at least 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container. Correct by 9/30/2022.

3.66(c)

Handling.

After being consigned to the auction, several of the rabbit enclosures were stacked 3-4 enclosures high and tightly packed together on a large wagon. The stacking of these enclosures allowed for decreased ventilation to the interior rabbits and tilting of many of the enclosures.

Inappropriate stacking of enclosures can allow for decreased ventilation and unstable structures which can impact rabbit health and safety. Primary enclosures used to transport rabbits must not be needlessly tilted or stacked in a manner which may result in their falling. The facility restacked the enclosures onto an additional wagon shortly after the observations were made. Correct by 9/17/22.

3.125(a)

Direct

Facilities, general.

While the inspection team was observing an adult female white-tailed deer, she became entrapped in the gap between the gate and wall of the enclosure. The cervid area of the main sale barn, is constructed of wood with tall extensions on the walls, to contain the deer, and 2 gates on opposite walls. The front gate had an extra wooden piece blocking the space between the gate and wall, but the back gate was not constructed in this manner, allowing access to the gap between the gate and wall. Prior to the incident, the singly housed deer, in a double stall (#110), appeared stressed and was darting around the enclosure, trying to climb the walls of the wooden stall. The deer jumped into a corner of the stall and as she slid down, her left front leg became entrapped in the gap between the wooden gate and wall of the stall, where the gate latched. The deer started thrashing, pulling, and twisting her body, trying to free her leg, which was caught at the

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Date:

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Received by Title: Facility Representative

Date:

16-SEP-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

narrow part just above her joint. No staff members were immediately nearby so the inspector assisted the deer to dislodge her leg by lifting it up and back into the enclosure before she could more seriously harm herself. The doe limped away and then stood, holding her leg up while open mouth breathing. The on-site attending veterinarian was notified immediately.

Inappropriately constructed enclosures which create gaps or holes can allow for the entrapment, serious injury, or death of the animals. The facility must be constructed in a manner that is appropriate for the animals involved to protect them from injury and contain them. Correct by 09/16/2022.

3.137(a)

Primary enclosures used to transport live animals.

Several of the primary transport enclosures for the small mammals, including degus, spiny mice, skunks, and coyotes, did not contain easily accessible openings, projecting rims, or adequate handholds. Approximately 30% of these enclosures did not contain openings or doors to allow easy access in case of an emergency with the live animal. 40-50% of the enclosures holding these small mammals also did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal.

A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for inadequate ventilation if the cages are stacked, and can cause unintentional contact between the handler and the animal during transport. All primary transport enclosure for subpart F animals must contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal. Correct by 9/30/2022.

3.137(d)

Primary enclosures used to transport live animals.

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Title: ANIMAL CARE INSPECTOR

Date:
16-SEP-2022

Received by Title: Facility Representative

Date:
16-SEP-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

In the warm housing area, 19 sugar glider enclosures containing 38 sugar gliders did not have solid bottoms or pans to collect the animal excreta or food and water waste. The cages were placed on racks with bars which allowed for any spilled feed, water, or feces to fall on and into the enclosures underneath.

A wire multi-level chinchilla enclosure located near the main auction ring had an excessive accumulation of excreta on all levels of the enclosure. The enclosure housed 3 chinchillas and offered very little space for the animals to move without having to walk through their own excrement.

A wire enclosure with a wooden bottom located in the warm room that held 1 albino African crested porcupine had wood shavings as bedding that were completely soaked in excreta and water waste. The animal had no available option to move onto a dry surface.

Failure to properly clean and sanitize primary enclosures can lead to disease hazards and increased odors. Primary enclosures that do not have solid bottoms can allow for excreta or food waste to spill into other areas of the facility which can contaminate enclosures, and potentially introduce disease hazards to other animals. Primary enclosures used to transport must be cleaned and sanitized in a manner prescribed in 3.131 of the standards. All primary enclosures used to transport live subpart F animals must have solid bottoms to prevent leakage and contamination of other areas. Correct by 9/30/2022.

3.137(e)

Primary enclosures used to transport live animals.

None of the primary transport enclosures for the subpart F mammals including degus, foxes, skunks, bobcats, hedgehogs, and many other species, were marked with the words "Live Animal"/ "Wild Animal" or had arrows indicating the correct upright position of the cage.

Failure to clearly mark transport enclosures can allow for inappropriate handling of the cages as its contents and position may be unclear to the staff. Primary enclosures used to transport live subpart F animals must be marked with the words

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United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

"Live Animal" or "Wild Animal" in letters at least 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container. Correct by 9/30/2022.

3.36(a)

Primary enclosures used to transport live guinea pigs and hamsters.

Several of the primary transport enclosures for the guinea pigs and hamsters did not contain easily accessible openings, projecting rims, or adequate handholds. Approximately, 40-50% of these enclosures did not contain openings to allow easy access in case of an emergency with the animal. 40-50% of the enclosures also did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal.

A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for inadequate ventilation if the cages are stacked, and can cause unintentional contact between the handler and the animal during transport.

All primary transport enclosure for guinea pigs and hamsters must contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal.

Correct by 9/30/2022.

3.36(g)

Primary enclosures used to transport live guinea pigs and hamsters.

None of the primary transport enclosures for the guinea pigs or hamsters were marked with the words "Live Animal" or arrows indicating the correct upright position of the cage.

Failure to clearly mark transport enclosures can allow for inappropriate handling of the cages as its contents and position may be unclear to the staff. Primary enclosures used to transport live guinea pigs or hamsters must be marked with the

Prepared By: MARK SANDERBECK
USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR

Date:
16-SEP-2022

Received by Title: Facility Representative

Date:
16-SEP-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000814910

Inspection Report

words "Live Animal" in letters at least 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container. Correct by 9/30/2022.

This was a focused inspection on the facility and animals only.

This inspection and exit interview were conducted with the Facility Representative.

Additional Inspectors:

AMY NOOYEN, VETERINARY MEDICAL OFFICER

COURTNEY JERNIGAN, VETERINARY MEDICAL OFFICER

Prepared By: MARK SANDERBECK
USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR

Date:
16-SEP-2022

Received by Title: Facility Representative

Date:
16-SEP-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 15-Sep-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	15-SEP-2022

Count	Scientific Name	Common Name
000007	<i>Equus quagga</i> X <i>E. caballus</i>	ZEBRA-HORSE HYBRID / ZORSE / ZONY / HEBRA
000001	<i>Urocyon cinereoargenteus</i>	GRAY FOX / GREY FOX
000058	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000013	<i>Bos primigenius indicus</i>	ZEBU
000044	<i>Vulpes vulpes</i>	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000192	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000036	<i>Capra hircus</i>	DOMESTIC GOAT
000058	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000021	<i>Mustela putorius furo</i>	DOMESTIC FERRET
000005	<i>Mustela vison</i>	AMERICAN MINK
000022	<i>Mesocricetus auratus</i>	SYRIAN / GOLDEN HAMSTER
000060	<i>Bos taurus</i>	CATTLE / COW / OX / WATUSI
000002	<i>Bos grunniens</i>	YAK
000052	<i>Petaurus breviceps</i>	SUGAR GLIDER
000103	<i>Atelerix albiventris</i>	FOUR-TOED HEDGEHOG
000014	<i>Chinchilla lanigera</i>	CHINCHILLA
000004	<i>Notamacropus rufogriseus</i>	BENNETT'S WALLABY / RED-NECKED WALLABY
000001	<i>Equus quagga</i>	BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA
000009	<i>Axis axis</i>	AXIS DEER / SPOTTED DEER / CHITAL
000034	<i>Dama dama</i>	FALLOW DEER
000005	<i>Odocoileus virginianus</i>	WHITE-TAILED DEER
000002	<i>Taurotragus oryx</i>	COMMON ELAND
000003	<i>Didelphis virginiana</i>	VIRGINIA OPOSSUM
000003	<i>Procyon lotor</i>	RACCOON
000085	<i>Cavia porcellus</i>	DOMESTIC GUINEA PIG
000003	<i>Lemur catta</i>	RING-TAILED LEMUR
000001	<i>Hystrix cristata</i>	AFRICAN CRESTED PORCUPINE
000004	<i>Vulpes zerda</i>	FENNEC FOX
000004	<i>Bassariscus astutus</i>	RINGTAIL
000001	<i>Procyon cancrivorus</i>	CRAB-EATING RACCOON
000007	<i>Dolichotis patagonum</i>	PATAGONIAN CAVY / MARA
000003	<i>Sapajus appella</i>	BROWN CAPUCHIN / TUFTED CAPUCHIN
000005	<i>Potos flavus</i>	KINKAJOU
000001	<i>Galictis vittata</i>	GREATER GRISON
000003	<i>Hydrochaeris hydrochaeris</i>	CAPYBARA
000002	<i>Nasua olivacea</i>	MOUNTAIN COATI
000048	<i>Mephitis mephitis</i>	STRIPED SKUNK
000001	<i>Coendou prehensilis</i>	PREHENSILE-TAILED PORCUPINE
000001	<i>Saimiri sciureus</i>	COMMON SQUIRREL MONKEY
000003	<i>Choloepus didactylus</i>	LINNAEUS'S TWO-TOED SLOTH
000002	<i>Tolypeutes matacus</i>	SOUTHERN THREE-BANDED ARMADILLO
000002	<i>Arctictis binturong</i>	BINTURONG
000009	<i>Camelus dromedarius</i>	DROMEDARY CAMEL
000008	<i>Acomys russatus</i>	GOLDEN SPINY MOUSE
000001	<i>Otocyon megalotis</i>	BAT-EARED FOX
000004	<i>Meriones persicus</i>	PERSIAN JIRD
000004	<i>Callosciurus prevostii</i>	PREVOST'S SQUIRREL / TRI-COLORED SQUIRREL
000001	<i>Caluromys derbianus</i>	CENTRAL AMERICAN WOOLLY OPOSSUM
000029	<i>Octodon degus</i>	DEGU



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 15-Sep-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	15-SEP-2022
000009	<i>Phodopus campbelli</i>		CAMPBELL'S DESERT HAMSTER / RUSSIAN HAMSTER	
000002	<i>Glaucomys volans</i>		SOUTHERN FLYING SQUIRREL	
000013	<i>Graphiurus lorraineus</i>		AFRICAN DORMOUSE	
000007	<i>Cricetulus griseus</i>		CHINESE HAMSTER	
000003	<i>Monodelphis domestica</i>		GREY SHORT-TAILED OPOSSUM	
000006	<i>Meriones unguiculatus</i>		MONGOLIAN GERBIL	
000002	<i>Spilogale putorius</i>		EASTERN SPOTTED SKUNK	
000001	<i>Tamandua tetradactyla</i>		SOUTHERN TAMANDUA	
000001	<i>Spermophilus richardsonii</i>		RICHARDSON'S GROUND SQUIRREL	
000001	<i>Cervus elaphus canadensis</i>		ELK	
001026	Total			

Exhibit 3

October 21, 2022 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

RGOLLAKNER
INS-0000826569

Inspection Report

MOUNT HOPE AUCTION INC

PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 21-OCT-2022

2.76(a)

Records: Operators of auction sales and brokers.

The majority of records of acquisition were missing some of the required information for the consignor. This included:

- Approximately 90% of the approximately 1000 records were missing the age or date of birth for the consigned animals
- Almost all of the approximately 1000 records were missing the color and/or distinctive markings for the consigned animals.
- Approximately 50 records were missing the date of consignment.
- Approximately 100 records were missing the USDA License number (if licensed) or the vehicle license number and driver's license or state issued ID if the consignor is not licensed under the AWA.
- One record consigning a total of 24 animals (lots 6043-6066) was missing the address for the consignor

Many records were missing multiple pieces of required information. This included, but was not limited to:

- Lot number 2405, a female zebra which was missing the date of consignment, USDA license number or State Issued ID and vehicle number.
- Lot numbers 2440 and 2441, 2 male wallabies which were missing the date of consignment, USDA license number or State Issued ID and vehicle number.

Prepared By: RANIA GOLLAKNER

USDA, APHIS, Animal Care

Date:
17-NOV-2022

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:
17-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

RGOLLAKNER
INS-0000826569

Inspection Report

-Lot numbers 2449 and 2450, 2 female dromedary camels which were missing the date of consignment, USDA license number or State Issued ID and vehicle number.

Complete records are required by the Animal Welfare Act to allow tracebacks of medical and legal history of the animals consigned. The auction shall make, keep, and maintain records/forms which fully and correctly disclose all the required information of each animal consigned for auction or sold.

Correct by November 17, 2022.

2.132(d) Critical

Procurement of dogs, cats, and other animals; dealers.

The auction knowingly accepted several animals for sale from unlicensed individuals which are required to be licensed, but do not currently hold a valid license. This included:

-Four ringtail lemurs (lot #7565-7568) and 2 kinkajou (lot #7569-7570) were consigned from the same seller. The consignment form did not contain a USDA license number. A valid license or one-time exemption is required to sell these species and the consignor does not hold an active license and did not have a one-time exemption.

-Two capybaras (lot #3997-3998) were consigned by a seller. The consignment form did not contain a USDA license number. A valid license or one-time exemption is required to sell these species and the consignor does not hold an active license and did not have a one-time exemption.

-A porcupine (lot #8556) was consigned by a seller. The consignment form contained a USDA license number; however, this license was not a valid license number. License numbers can be verified easily on the USDA, Animal Care Public Search Tool. A valid license or one-time exemption is required to sell these species and the consignor does not hold an active license and did not have a one-time exemption.

Prepared By: RANIA GOLLAKNER
USDA, APHIS, Animal Care

Date:
17-NOV-2022

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:
17-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

RGOLLAKNER
INS-0000826569

Inspection Report

-One zebra (lot #2401) was consigned from a seller. The consignment form did not contain a USDA license number. A valid license or one-time exemption is required to sell these species and the consignor does not hold an active license and did not have a one-time exemption.

-One Patagonian cavy (lot #5594) was consigned from a seller. The consignment form did not contain a USDA license number. A valid license or one-time exemption is required to sell these species and the consignor does not hold an active license and did not have a one-time exemption.

-Five foxes (lot #7747-7749; 7751), 2 raccoons (lot #7753-7754) and 1 opossum (lot #7727) were consigned from the same seller. The consignment form did not contain a USDA license number and this consignor was previously identified to the licensee as not having a valid license. Sales of these animals that are not for fur, require a valid license.

-Two Coyote (lot #5572, 5579), three Opossum (lot# 5565, 5568-5569), and two raccoons (lot# 5566-5567) were consigned from the same seller. The consignment form did not contain a USDA license number. A valid license is required to sell these species and the consignor does not hold an active license. Sales of these animals that are not for fur, require a valid license.

No dealer shall knowingly obtain any animal from any person who is required to be licensed but who does not hold a current, valid, and unsuspended license. Verification of a current and valid license is important for ensuring compliance with the Animal Welfare Act and ensuring animal welfare. Correct by ensuring that all consignors of covered species hold a current valid unsuspended license before accepting consignment of those animals.

Correct by November 17, 2022

This inspection and exit interview were conducted with a facility representative.

Prepared By: RANIA GOLLAKNER
USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL
OFFICER

Date:
17-NOV-2022

Received by Title: Facility Representative

Date:
17-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

RGOLLAKNER
INS-0000826569

Inspection Report

Prepared By: RANIA GOLLAKNER
USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL
OFFICER

Date:
17-NOV-2022

Received by Title: Facility Representative

Date:
17-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 21-Oct-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	21-OCT-2022

Count	Scientific Name	Common Name
000000	NONE	NONE
000000	Total	

Exhibit 4

November 3, 2022 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

ANOOYEN
INS-0000824527

Inspection Report

MOUNT HOPE AUCTION INC

PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 03-NOV-2022

2.131(c)(1)

Repeat

Handling of animals.

During the auction, members of the public were observed walking into holding areas containing caged, potentially dangerous, animals including skunks, raccoons, foxes, a kinkajou, and porcupines. These areas were behind secondary fencing which have posted signs stating, "please keep hands out of pens," "danger very aggressive animals," and "please keep gate closed." Despite the signs, members of the public were observed inside the secondary fence, and many were attempting to touch or pet the animals. At various points of the inspection, no facility employees were present to deter the public from handling the animals. The inspectors notified staff members about the animal contact, however, a consistent attendant was not present in these areas to observe the public during the duration of the auction. In the hoofstock barn, members of the public were observed touching and petting two juvenile dromedary camels. The public were able to put their hands into the enclosures and easily make contact with the camels. No facility employees were observed in this area of the hoofstock barn to deter the public from interacting with the animals.

Failure to ensure appropriate distance and/or barriers, can allow for unintended interactions and lead to harm to the animals or the public members. The facility is responsible for safe exhibition of the animals while on auction grounds, including sufficient distance and/or barriers between the animals and general viewing public so as to assure the safety of both animals and the public.

Prepared By: AMY NOOYEN

USDA, APHIS, Animal Care

Date:
09-NOV-2022

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:
09-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

ANOOYEN
INS-0000824527

Inspection Report

2.131(d)(2)

Repeat

Handling of animals.

During the auction, members of the public were observed petting a dromedary camel and attempting to touch numerous smaller mammals (fox, raccoon, porcupines). In these areas, the facility did not have readily identifiable employees on hand during the public interactions with the animals. The facility has signage trying to deter people from touching the animals, however, members of the public continued to contact the animals.

A lack of readily identifiable attendants to deter the public from contacting the animals can allow for unintended interactions which could lead to harm to the animals or members of the public. A responsible, knowledgeable and readily, identifiable employee or attendant must be present at all times during periods of public contact whether intended or not.

3.61(a)

Repeat

Primary enclosures used to transport live rabbits.

Many of the primary transport enclosures for the rabbits were not structurally sound and did not contain easily accessible openings, projecting rims, or adequate handholds.

At least 10 of the rabbit enclosures were made of small, light weight laundry baskets with a wire covering over the top. When these enclosures were stacked, they would buckle and break at different points. The inspection team observed two rabbits escape from this type of enclosure during the auction. Approximately, 50% of the enclosures did not contain openings to allow easy access in case of an emergency with the rabbit. 70% of the enclosures also did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal. Sharp, broken wires, were also observed in 3 of the rabbit enclosures.

A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for inadequate ventilation if the cages are stacked, and can cause unintentional contact between the handler and the animal during transport. Inadequate structural strength of enclosures

Prepared By: AMY NOOYEN

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Date:
09-NOV-2022

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:
09-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

ANOOYEN
INS-0000824527

Inspection Report

and sharp protrusions can also allow for escape, entrapment, or cause injury to the animals. All primary transport enclosures for rabbits must be structurally sound, contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal. Primary enclosures must also be free from any protrusions that could be injurious to the live rabbits.

3.66(c)

Repeat

Handling.

After being consigned to the auction, several of the rabbit enclosures were stacked 3-4 enclosures high and tightly packed together on large wagons. A few enclosures were found tilted to the point of almost falling, and eight were stacked with heavy wooden enclosures on top of light weight, plastic enclosures which could potentially collapse under the weight. While moving the rabbits from the check-in area to the holding area, a few rabbit enclosures were tilted to the point of almost falling.

Inappropriate stacking of enclosures can allow for decreased ventilation and unstable structures which can impact rabbit health and safety. Primary enclosures used to transport rabbits must not be needlessly tilted or stacked in a manner which may result in their falling.

3.87(a)(3)

Primary enclosures used to transport nonhuman primates.

The transport enclosures used to house two squirrel monkeys had openings that allowed the nonhuman primates to put their arms outside the enclosures. The inspection team observed one squirrel monkey reach through the enclosure openings to remove a sticker on the outside of the enclosure. The sticker was then pulled into the enclosure and pulled apart by the animal.

Openings that allow for nonhuman primates to reach outside the enclosure can result in injury to the animal, public

Prepared By: AMY NOOYEN

USDA, APHIS, Animal Care

Date:
09-NOV-2022

Title: VETERINARY MEDICAL
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Received by Title: Facility Representative

Date:
09-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

ANOOYEN
INS-0000824527

Inspection Report

observers, or other nearby animals if unintended contact is made. Nonhuman primates must be securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could injure the animal or persons/animals nearby.

Correct by: December 10, 2022.

3.137(a)

Repeat

Primary enclosures used to transport live animals.

Several of the primary transport enclosures for the mammals, including degus, skunks, and capybara, did not contain easily accessible openings, projecting rims, or adequate handholds. Approximately 10% of these enclosures did not contain openings or doors to allow easy access in case of an emergency with the live animal. 30% of the enclosures holding these mammals also did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal. A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for adequate ventilation if the cages are stacked, and can cause unintentional contact between the handler and the animal during transport. All primary transport enclosures for subpart F animals must contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal.

3.137(c)

Primary enclosures used to transport live animals.

The size of two of the enclosures was not sufficient for the animals to turn freely and make normal postural adjustments. One wire and wood enclosure housing an adult African crested porcupine, was not large enough for the animal to turn around freely. When the animal lay down, its head would touch one end of the enclosure with its quills protruded from the other end. Another wire enclosure, housing a fox, was not large enough for the animal to make normal postural

Prepared By: AMY NOOYEN

USDA, APHIS, Animal Care

Date:
09-NOV-2022

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:
09-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

ANOOYEN
INS-0000824527

Inspection Report

adjustments. The animal did not appear to be able to stand and was not able to lie normally as its body touched all sides of the enclosure.

Enclosures that are too small or created in a way that inhibit the natural movements of the animals can cause unnecessary stress and discomfort.

Enclosures used to transport live animals shall be large enough to ensure that each animal has sufficient space to turn about freely and to make normal postural adjustments.

Correct by : December 10, 2022.

This inspection and exit interview were conducted with facility representatives.

Additional Inspectors:

Rania Gollakner, VETERINARY MEDICAL OFFICER

Prepared By: AMY NOOYEN

USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL
OFFICER

Date:
09-NOV-2022

Received by Title: Facility Representative

Date:
09-NOV-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 03-Nov-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	03-NOV-2022

Count	Scientific Name	Common Name
000008	<i>Vulpes vulpes</i>	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	<i>Vulpes lagopus</i>	ARCTIC FOX
000004	<i>Bos grunniens</i>	YAK
000005	<i>Equus quagga</i>	BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA
000005	<i>Axis axis</i>	AXIS DEER / SPOTTED DEER / CHITAL
000003	<i>Taurotragus oryx</i>	COMMON ELAND
000003	<i>Bos primigenius indicus</i>	ZEBU
000001	<i>Potos flavus</i>	KINKAJOU
000008	<i>Mustela putorius furo</i>	DOMESTIC FERRET
000098	<i>Atelerix albiventris</i>	FOUR-TOED HEDGEHOG
000129	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000012	<i>Petaurus breviceps</i>	SUGAR GLIDER
000002	<i>Procyon lotor</i>	RACCOON
000013	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000003	<i>Monodelphis domestica</i>	GREY SHORT-TAILED OPOSSUM
000057	<i>Dama dama</i>	FALLOW DEER
000001	<i>Didelphis virginiana</i>	VIRGINIA OPOSSUM
000145	<i>Cavia porcellus</i>	DOMESTIC GUINEA PIG
000009	<i>Hystrix cristata</i>	AFRICAN CRESTED PORCUPINE
000003	<i>Lemur catta</i>	RING-TAILED LEMUR
000001	<i>Erethizon dorsatum</i>	NORTH AMERICAN PORCUPINE
000001	<i>Dasyprocta punctata</i>	CENTRAL AMERICAN AGOUTI
000004	<i>Nasua olivacea</i>	MOUNTAIN COATI
000002	<i>Tolypeutes matacus</i>	SOUTHERN THREE-BANDED ARMADILLO
000043	<i>Octodon degus</i>	DEGU
000014	<i>Dolichotis patagonum</i>	PATAGONIAN CAVY / MARA
000002	<i>Camelus dromedarius</i>	DROMEDARY CAMEL
000020	<i>Spermophilus richardsonii</i>	RICHARDSON'S GROUND SQUIRREL
000002	<i>Glaucomys volans</i>	SOUTHERN FLYING SQUIRREL
000002	<i>Hydrochaeris hydrochaeris</i>	CAPYBARA
000011	<i>Mephitis mephitis</i>	STRIPED SKUNK
000002	<i>Cynomys parvidens</i>	UTAH PRAIRIE DOG
000001	<i>Lynx rufus</i>	BOBCAT
000003	<i>Saimiri sciureus</i>	COMMON SQUIRREL MONKEY
000023	<i>Graphiurus lorraineus</i>	AFRICAN DORMOUSE
000002	<i>Tamandua tetradactyla</i>	SOUTHERN TAMANDUA
000008	<i>Procavia capensis</i>	ROCK HYRAX
000012	<i>Bubalus bubalis</i>	ASIATIC WATER BUFFALO
000016	<i>Osphranter rufus</i>	RED KANGAROO
000007	<i>Boselaphus tragocamelus</i>	NILGAI
000016	<i>Bos taurus</i>	CATTLE / COW / OX / WATUSI
000703	Total	



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 03-Nov-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	03-NOV-2022

Exhibit 5

March 23, 2023 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

WJANECKE
INS-0000859460

Inspection Report

MOUNT HOPE AUCTION INC

PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 23-MAR-2023

2.131(c)(1)

Repeat

Handling of animals.

During the auction, members of the public were observed walking into a holding area containing caged, potentially dangerous, animals including skunks, raccoons, foxes, and bobcats. This area is behind secondary fencing which has posted signs stating, "please keep hands out of pens," and "danger very aggressive animals". Despite the signs, once within the secondary area, there were no additional barriers to keep members of the public a significant distance away from the animals. In addition to members of the public getting very close to enclosures and having direct contact with the skunks and foxes, the animals inside the cages were acting very stressed by the proximity of the public. A few foxes were circling in a repetitive abnormal behavior pattern that was a clear indicator of stress. The raccoons were stressed and rocking back and forth repetitively against the far side of the cage as people leaned over their cage. A bobcat was also stressed as it was observed loudly vocalizing and unable to get away from a member of the public who leaned down towards the animal and was only a few inches away. Animals must be exhibited so there is minimal risk of harm to the animal and public and the facility must ensure that there are barriers with sufficient distance to assure the safety of both.

2.131(d)(2)

Repeat

Handling of animals.

Prepared By: WILLIAM JANECKE

USDA, APHIS, Animal Care

Date:

25-MAR-2023

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:

25-MAR-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

WJANECKE
INS-0000859460

Inspection Report

During the auction, members of the public were observed touching several mammals including a camel, fox, skunk, and a ring tail lemur. In these areas, although the facility had a readily identifiable employee on hand, the employees did not notice or stop members of the public from crossing under a rope barrier to have contact with the lemur or did not observe people in the identified dangerous animal area where people easily put hands on cages and touched the skunks and foxes. Employees who are engaged in other activities and not readily available to watch the public or act knowledgeable about the species they are supposed to be monitoring allow for unintended interactions which could lead to harm to the animals or members of the public. A responsible, knowledgeable, and readily identifiable employee or attendant must always be present during periods of public contact whether intended or not.

2.131(e)

Handling of animals.

In the warm room, a Patagonian Cavy was soaking wet as well as the bedding in the crate with him. The animal had recently been placed in the room and according to the facility representative, the animal was wet because it was raining outside. There were no facility representatives addressing the needs of the animal. Animals that get wet and have no way to effectively dry off can become stressed. When climatic conditions present a threat to an animal's health or well-being, appropriate measures must be taken to alleviate the impact of those conditions. Correct by ensuring animals have access to dry areas and shelter from rain. Correct by March 31, 2023.

3.61(a)

Repeat

Primary enclosures used to transport live rabbits.

A majority of the primary transport enclosures for the rabbits did not contain easily accessible openings, projecting rims, or adequate handholds. Approximately, 90% of these enclosures did not contain openings to allow easy access in case of an emergency with the rabbit and also did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal. Sharp, broken wires, were also observed in several of the rabbit

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United States Department of Agriculture
Animal and Plant Health Inspection Service

WJANECKE
INS-0000859460

Inspection Report

enclosures. A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for inadequate ventilation if the cages are stacked, and can cause unintentional contact between the handler and the animal during transport. Sharp points or protrusions can also cause injury to the animals. All primary transport enclosure for rabbits must contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal. Primary enclosures must also be free from any protrusions that could be injurious to the live rabbits.

3.61(c)

Primary enclosures used to transport live rabbits.

Several of the enclosures used to transport live rabbits were not large enough to transport the rabbit it contained. Multiple rabbits were observed in these enclosures where they could either not stand up, turn around freely or did not have sufficient space to make normal postural adjustments. Rabbits that are confined into smaller enclosures for extended periods of time as during the auction intake and sales process may experience additional levels of stress and must be provided with enclosures that meet their space requirements. Correct by March 31, 2023

3.61(f)

Repeat

Primary enclosures used to transport live rabbits.

About 50 % of the primary transport enclosures for the rabbits were not marked with the words "Live Animal" or had arrows indicating the correct upright position of the cage. Failure to clearly mark transport enclosures can allow for inappropriate handling of the cages as its contents and position may be unclear to the staff. Primary enclosures used to transport live rabbits must be marked with the words "Live Animal" in letters at least 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container.

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Date:

25-MAR-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

WJANECKE
INS-0000859460

Inspection Report

3.66(c)

Repeat

Handling.

After being consigned to the auction, several of the rabbit enclosures were stacked 3-4 enclosures high and tightly packed together on large wagons with employees and consignors walking between these stacks. The way the enclosures were stacked with people walking and climbing among them in combination with the tilted enclosures can result in them almost falling. Inappropriate stacking of enclosures can allow for decreased ventilation and unstable structures which can impact rabbit health and safety. Primary enclosures used to transport rabbits must not be needlessly tilted or stacked in a manner which may result in their falling.

3.87(a)(3)

Repeat

Primary enclosures used to transport nonhuman primates.

The transport enclosures used for the ring tail lemur and the squirrel monkey had standard wire frame doors with wide enough spaces that allowed the non-human primates to extend their hands and arms outside the transport enclosure. This allowed the lemur to physically contact guests in the area who approached the crate. Transport enclosures must be designed to allow the animal to keep all body parts inside the crate at all times for its safety and safety of the public.

3.137(a)

Repeat

Primary enclosures used to transport live animals.

Several of the primary transport enclosures for the small mammals, including degus, foxes, crested porcupines, skunks, bobcats, and raccoons, did not contain easily accessible openings, projecting rims, adequate ventilation openings or adequate handholds. Approximately 50 % of these enclosures did not contain openings or doors to allow easy access in case of an emergency with the live animal and did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal. A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for

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United States Department of Agriculture
Animal and Plant Health Inspection Service

WJANECKE
INS-0000859460

Inspection Report

inadequate ventilation particularly when the cages are stacked when placed on the cart to move between the auction floor and holding area, and can cause unintentional contact between the handler and the animal during transport. All primary transport enclosures for subpart F animals must contain openings that are always easily accessible for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal.

3.137(c)

Repeat

Primary enclosures used to transport live animals.

Several transport enclosures used did not allow the animal to turn about freely and make normal postural adjustments. A plastic enclosure housing a Kangaroo and another for a wallaby was not large enough for the animals to stand in a normal upright position. The macropods were hunched down due to the insufficient height of the enclosure. Additionally, a crate used to transport a red fox was too small and did not allow the animal to stand up in a normal posture, and a crate used for a crested porcupine did not allow for sufficient space for the animal to turn about freely. Animals that are confined into smaller enclosures for extended periods of time as during the auction intake and sales process (1-3 days) may experience additional levels of stress and must be provided with enclosures that meet their space requirements to reduce stress levels and for their health and well-being.

3.137(e)

Repeat

Primary enclosures used to transport live animals.

Few of the primary transport enclosures for the subpart F mammals including degus, foxes, skunks, bobcats, hedgehogs, and many other species, were marked with the words "Live Animal"/ "Wild Animal" or had arrows indicating the correct upright position of the cage. Failure to clearly mark transport enclosures can allow for inappropriate handling of the cages as its contents and position may be unclear to the staff. Primary enclosures used to transport live subpart F animals must

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25-MAR-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

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INS-0000859460

Inspection Report

be marked with the words "Live Animal" or "Wild Animal" in letters at least 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container.

3.36(a)

Repeat

Primary enclosures used to transport live guinea pigs and hamsters.

Several of the primary transport enclosures for the guinea pigs did not contain easily accessible openings, projecting rims, or adequate handholds. Several lacked adequate structural strength resulting in one guinea pig escaping. Approximately, 50% of these enclosures did not contain openings to allow easy access in case of an emergency with the animal. Approximately 50 % of the enclosures also did not have projecting rims to ensure adequate ventilation is maintained or handholds to prevent tilting and contact with the animal. A lack of appropriate openings, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for inadequate ventilation if the cages are stacked, and can cause unintentional contact between the handler and the animal during transport. All primary transport enclosures for guinea pigs must contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal.

3.36(g)

Repeat

Primary enclosures used to transport live guinea pigs and hamsters.

Few of the primary transport enclosures for the guinea pigs were marked with the words "Live Animal" or arrows indicating the correct upright position of the cage. Failure to clearly mark transport enclosures can allow for inappropriate handling of the cages as its contents and position may be unclear to the staff. Primary enclosures used to transport live guinea pigs must be marked with the words "Live Animal" in letters at least 1 inch in height, and with arrows or other markings to

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25-MAR-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

WJANECKE
INS-0000859460

Inspection Report

indicate the correct upright position of the container words "Live Animal" in letters at least 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container.

This inspection and exit interview were conducted with a facility representative.

Additional Inspectors:

Jonathan Tomkovitch, VETERINARY MEDICAL OFFICER

ANDREA D AMBROSIO, ANIMAL CARE INSPECTOR

Prepared By: WILLIAM JANECKE
USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL
OFFICER

Date:
25-MAR-2023

Received by Title: Facility Representative

Date:
25-MAR-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 23-Mar-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	23-MAR-2023

Count	Scientific Name	Common Name
000076	<i>Lama pacos</i>	ALPACA
000004	<i>Axis axis</i>	AXIS DEER / SPOTTED DEER / CHITAL
000003	<i>Bison bison</i>	AMERICAN BISON
000008	<i>Camelus dromedarius</i>	DROMEDARY CAMEL
000031	<i>Chinchilla lanigera</i>	CHINCHILLA
000005	<i>Cervus canadensis</i>	ELK / WAPITI
000071	<i>Dama dama</i>	FALLOW DEER
001300	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000393	<i>Capra hircus</i>	DOMESTIC GOAT
000162	<i>Cavia porcellus</i>	DOMESTIC GUINEA PIG
000120	<i>Atelerix albiventris</i>	FOUR-TOED HEDGEHOG
000007	<i>Osphranter rufus</i>	RED KANGAROO
000029	<i>Lama glama</i>	LLAMA
000013	<i>Boselaphus tragocamelus</i>	NILGAI
000011	<i>Bubalus bubalis</i>	ASIATIC WATER BUFFALO
000002	<i>Bos grunniens</i>	YAK
000002	<i>Choloepus didactylus</i>	LINNAEUS'S TWO-TOED SLOTH
000007	<i>Equus quagga</i>	BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA
000021	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000001	<i>Dolichotis patagonum</i>	PATAGONIAN CAVY / MARA
000021	<i>Petaurus breviceps</i>	SUGAR GLIDER
000001	<i>Nasua olivacea</i>	MOUNTAIN COATI
000001	<i>Saimiri sciureus</i>	COMMON SQUIRREL MONKEY
000009	<i>Potos flavus</i>	KINKAJOU
000812	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000016	<i>Mephitis mephitis</i>	STRIPED SKUNK
000001	<i>Lemur catta</i>	RING-TAILED LEMUR
000037	<i>Octodon degus</i>	DEGU
000006	<i>Hydrochaeris hydrochaeris</i>	CAPYBARA
000003	<i>Callithrix jacchus</i>	COMMON MARMOSET
000003	<i>Lynx rufus</i>	BOBCAT
000010	<i>Hystrix cristata</i>	AFRICAN CRESTED PORCUPINE
000011	<i>Vulpes vulpes</i>	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000134	<i>Mesocricetus auratus</i>	SYRIAN / GOLDEN HAMSTER
000010	<i>Notamacropus rufogriseus</i>	BENNETT'S WALLABY / RED-NECKED WALLABY
000005	<i>Muntiacus crinifrons</i>	BLACK MUNTJAC
003346	Total	



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 23-Mar-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	23-MAR-2023

Exhibit 6

April 20, 2023 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

AD AMBROSIO
INS-0000868035

Inspection Report

MOUNT HOPE AUCTION INC

PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 20-APR-2023

2.76(a)

Repeat

Records: Operators of auction sales and brokers.

The licensee currently uses a computerized system that generates the sales/disposition forms that do not have the data required under 2.76 (a), including the USDA license number if applicable, the sex and approximate age of the animal. Failure to include this information on disposition forms limits APHIS's ability to properly track animal movements and ensure the well-being of those animals. Correct by ensuring that disposition records include all required information including: The name and address of the buyer or consignee who received the animal, the USDA license or registration number for the person buying the animal, the vehicle license number, state, driver's license number for if the purchaser is not licensed or registered under the Act, a complete description of the animal (species, breed/type, sex, date of birth or approximate age, color and distinctive markings), and auction sales number assigned to the animal.

2.132(d)

Critical

Repeat

Procurement of dogs, cats, and other animals; dealers.

During the spring sale dates of March 23-25, 2023 , the auction accepted several animals for sale from un-licensed individuals who were required to be licensed but currently do not hold a license. These included:

* A consignor sold a skunk lot # 10390 and did not have a USDA license number. The skunk was sold to a licensed exhibitor 35-C-0399. Additionally, this same consignor sold a Patagonian cavy lot #5594 consigned on 9-15-2022. The

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Title: ANIMAL CARE INSPECTOR

Date:

26-APR-2023

Received by Title: _____

Date:

26-APR-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

AD AMBROSIO
INS-0000868035

Inspection Report

licensee was previously cited on 10-21-22 for knowingly purchasing from this consignor who requires a license.

* A consignor sold two raccoons (lot # 9828 and 9829); three bobcats (lot # 9830, 9831 and 9832) and three skunks (lot # 9833, 9834 and 9835). The consignment form did not contain a USDA license number. It was determined that several of these animals were sold to current licensed facilities for exhibition purposes and that the individual should have been required to have a one-time exemption or an active license. The bobcat # 09830 was sold to a licensed exhibitor 23-C-0019, and raccoon lot # 9829 was sold to a licensed broker 31-B-0221.

* A consignor sold a camel lot # 1316 and did not have a USDA license number or a onetime exemption. The camel was sold to a licensed exhibitor 55-C-0138. Due to the species and sale, this consignor should have had a license or one time exemption to sell the animal through the auction.

* A consignor sold a camel lot # 1313 and did not have a USDA license number or a onetime exemption. The camel was sold to a licensed exhibitor 55-B-0225. Due to the species and sale, this consignor should have had a license or one time exemption to sell the animal through the auction.

* A consignor sold a camel lot # 1314 and did not have a USDA license number or a onetime exemption. The camel was sold to a licensed exhibitor 55-B-0225. Due to the species and sale, this consignor should have had a license or one time exemption to sell the animal through the auction.

* A consignor sold one Ringtail Lemur lot #11990. The consignor provided a seller name and USDA license number (31-A-0031) but then requested that the check be made out to a different name and sent to a different mailing address which is not associated with the license holder. Additionally, the actual license holder had already consigned animals including lot # 11893-11895 earlier the same day and requested that the payment be made to their name. The license holder of 31-A-0031 can not buy and re-sell animals with their current A-license, therefore, they cannot consign animals belonging to another individual. Given that the Lemur consignor requested the payment be sent to their name rather than the license holder, it was clear that they were not in fact consigning the animal on behalf of licensee 31-A-0031 and that the

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Date:

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Date:

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United States Department of Agriculture
Animal and Plant Health Inspection Service

AD AMBROSIO
INS-0000868035

Inspection Report

consignor was unlicensed.

No dealer shall knowingly obtain any animal from any person who is required to be licensed but who does not hold a current, valid license or has not received a onetime exemption from USDA to sell the animals. Failure to ensure that consignors of animals which are required to be licensed have a valid license prevents APHIS from ensuring the well-being of those animals at their originating facility. Correct by ensuring that animals are only obtained from sources that hold a current, valid, and unsuspended licensed or from individuals that are exempted from licensure under the AWA.

This inspection and exit interview were conducted with a facility representative.

Additional Inspectors:

Mark Sanderbeck, ANIMAL CARE INSPECTOR

Prepared By: ANDREA D AMBROSIO
USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR

Date:
26-APR-2023

Received by Title: _____

Date:
26-APR-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 20-Apr-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	20-APR-2023

Count	Scientific Name	Common Name
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000000	NONE	NONE
000000	Total	

Exhibit 7

September 14, 2023 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

DCARE
INS-0000906289

Inspection Report

Mount Hope Auction Inc
PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 14-SEP-2023

2.40(b)(3)

Direct

Attending veterinarian and adequate veterinary care (dealers and exhibitors).

The facility failed to identify an animal with a significant medical issue. On 9/16/23 at approximately 9:40AM a member of the public informed USDA personnel that there was a calf who couldn't stand up, and who had been in the same position since yesterday. USDA personnel observed the animal, which was lying down with its back legs splayed out in an abnormal position. USDA personnel notified one of the auction veterinarians, who oversaw the movement of the animal into a trailer. The animal was unable to stand so employees carried the animal. The veterinarian stated that the animal had not been consigned to the auction this weekend, but was left over from an earlier sale. The veterinarian stated that he did not have the authority to treat the animal and so it was loaded on a trailer and taken off site without receiving medical treatment. Daily observation of animals is important for the prompt identification and treatment of medical issues. Animals who are not observed adequately may suffer from medical problems that go untreated. Correct by 9/17/23 by ensuring that daily observation is conducted so that medical issues are identified and communicated to the Attending Veterinarian promptly and so that medical care can be provided.

2.131(c)(1)

Repeat

Handling of animals.

In the warm room building, members of the public were observed touching rabbits who were in cages stacked on wagons. Additionally, during the auction, in the staging areas near the sale ring, members of the public were observed touching several animals including a capuchin monkey, a kinkajou, a fox, and skunks. In these areas, although the facility sporadically had readily identifiable employees on hand, the employees did not serve as effective barriers to stop members of the public from touching the animals. Effective distance and/or barriers are important for ensuring that members of the public do not cause harm to the animals or become injured themselves. Correct by ensuring that animals are exhibited so there is minimal risk of harm to the animal and public and the facility must ensure that there are barriers with sufficient distance to assure the safety of both.

3.61(a)

Repeat

Primary enclosures used to transport live rabbits.

A majority of the primary transport enclosures for rabbits did not contain adequate handholds or projecting rims. Approximately 90% of enclosures did not have projecting rims to ensure adequate ventilation is maintained, or handholds to prevent tilting and contact with the animal. Projecting rims and handholds on transport enclosures is important for

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Date:

07-DEC-2023

Title: VETERINARY MEDICAL
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Date:

07-DEC-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

DCARE
INS-0000906289

Inspection Report

ensuring adequate ventilation when cages are stacked, and proper handling when moving cages. Correct by ensuring that rabbit transport crates are complaint with the AWA regulations including having projecting rims and handles.

3.63(a) Direct

Food and water requirements.

On the morning of September 15, 2023 at approximately 9:00 AM Eastern Time, USDA personnel inspected rabbits which were located in the "warm room" building; most or all of these rabbits had been present overnight. Some of the rabbits had no drinking water. When water was provided some rabbits drank ravenously for a prolonged time. A black male Flemish giant rabbit (tag #6659) drank for over 4 minutes, requiring the water cup to be refilled. A grey and black female rabbit (tag #4058) drank for over 2.5 minutes when water was provided (this animal had small babies in the enclosure with her). A female white lionhead rabbit (tag #4059) drank for more than 40 seconds when water was provided (this animal also had small babies in the enclosure with her). The facility representative was informed and the remaining rabbits who didn't have water were promptly provided with water. One female white rabbit and 7 kits (tag #4102) was extremely restless and hungry. The rabbits were trying to reach a half-eaten carrot that was beside their cage. When USDA personnel placed the carrot into the cage, the rabbits ravenously ate it, pushing each other out of the way. The kits continued to lick the bars of the cage where the carrot had been. Facility staff were informed and the rabbit was provided with food. The morning of 9/16/23 some cages of rabbits had empty or no water bowls. USDA personnel requested that water be provided to the cages, and when it was provided the rabbits showed signs of extreme thirst: A brown lop eared rabbit (tag 5626) drank water for 4 minutes, a grey rabbit (tag 4454) drank for 2 minutes, a brown Flemish giant rabbit (tag 7725) drank for over 2.5 minutes, and 5 young rabbits in one cage (tag 7716) drank for 5 minutes (pushing each other out of the way to get to the water bowl). Food and water are important for animal health and wellbeing. Animals that do not have adequate food and water may suffer from thirst, hunger, dehydration, low blood sugar, or death. Lactating female animals require more water in order to produce milk for their offspring. Correct by 9/17/23 by ensuring that rabbits in transport for more than 6 hours have adequate quantity and quality of food and drinking water.

3.87(a)

Primary enclosures used to transport nonhuman primates.

A capuchin monkey (tag 8219) was contained in a transport enclosure that had no handle, no protruding rim for ventilation, and for which the openings in the sides of the enclosure were large enough to allow the animal to reach through. Cages for other nonhuman primates including an infant ring-tailed lemur (tag 8036), and an infant squirrel monkey (tag 6756), also had ventilation openings that were large enough to allow the animals to put limbs outside the enclosure in a way that could cause injury to the animal. The squirrel monkey was observed repeatedly putting its arms through the openings in the wire door of the enclosure. Animals that put body parts outside of their transport enclosure may become injured or may injure other animals nearby. Correct by ensuring that nonhuman primates are contained in enclosures that keep all body parts inside the enclosure.

3.137(a) Repeat

Primary enclosures used to transport live animals.

Many animal transport enclosures did not have projecting rims, adequate ventilation, or handles. For example, two chinchillas (tag 4545 and 4544) were in wood and wire enclosures that lacked handles and projecting rims. Three foxes (tag 7702, 7701, 7700) did not have adequate space to turn around and make normal postural adjustments. A fox (tag

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Date:
07-DEC-2023

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United States Department of Agriculture
Animal and Plant Health Inspection Service

DCARE
INS-0000906289

Inspection Report

7871) was contained in a wire crate that did not have handles or protruding rims. A juvenile opossum (tag 7870) was contained in a crate that only had ventilation openings on the top. Numerous hedgehogs were contained in wood and wire transport enclosures that did not have protruding rims or handles. A lack of appropriate openings, adequate space and ventilation, projecting rims, and handholds on primary transport enclosures can make it difficult to remove the animal in the case of an emergency, allow for inadequate ventilation particularly when the cages are stacked when placed on the cart to move between the auction floor and holding area, and can cause unintentional contact between the handler and the animal during transport. Correct by ensuring that all primary transport enclosures for subpart F animals contain openings that are always easily accessible for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, provide the animals with adequate space and ventilation openings on the sides of the enclosures, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal.

3.162(a)

Primary enclosures used to transport live birds.

Two primary enclosures failed to securely contain the birds within- one Pigeon escaped on 9/14/23, and a pheasant was observed in the rafters of the barn on the morning of 9/15/23. Numerous birds were observed sticking their heads or tails outside of their enclosures. Many enclosures were constructed so that birds could not be safely removed in the event of an emergency. Birds that escape or put body parts outside of the enclosure may become injured or killed. Correct by 9/17/23 by ensuring that bird transport enclosures securely contain the birds to prevent injury and escape.

This inspection and exit interview were conducted with the facility representatives.

Additional Inspectors:

Jonathan Tomkovitch, VETERINARY MEDICAL OFFICER

Mark Sanderbeck, ANIMAL CARE INSPECTOR

Charles Palmer, VETERINARY MEDICAL OFFICER

Lauren Murphy, VETERINARY MEDICAL OFFICER

Prepared By: DIANA CARE

USDA, APHIS, Animal Care

Date:
07-DEC-2023

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Facility Representative

Date:
07-DEC-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 14-Sep-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	14-SEP-2023

Count	Scientific Name	Common Name
000010	<i>Capra hircus</i>	DOMESTIC GOAT
000010	<i>Chinchilla lanigera</i>	CHINCHILLA
000012	<i>Osphranter rufus</i>	RED KANGAROO
000003	<i>Vulpes lagopus</i>	ARCTIC FOX
000004	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000500	<i>Gallus gallus domesticus</i>	DOMESTIC CHICKEN (INCLUDING ALL DOMESTIC BREEDS / TURKIN / COCK / HEN / ROOSTER)
000002	<i>Chaetophractus vellerosus</i>	SCREAMING ARMADILLO
000004	<i>Monodelphis domestica</i>	GREY SHORT-TAILED OPOSSUM
000015	<i>Pyrrhura molinae</i>	GREEN-CHEEKED PARAKEET / GREEN-CHEEKED CONURE
000116	<i>Nymphicus hollandicus</i>	COCKATIEL
000003	<i>Coendou prehensilis</i>	PREHENSILE-TAILED PORCUPINE
000002	<i>Aix sponsa</i>	WOOD DUCK / CAROLINA DUCK
000155	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000001	<i>Aratinga nenday</i>	NANDAY PARAKEET
000002	<i>Pionites melanocephalus</i>	BLACK-HEADED PARROT
000003	<i>Tragelaphus strepsiceros</i>	GREATER KUDU
000344	<i>Numida meleagris</i>	DOMESTIC GUINEAFOWL / HELMETED GUINEAFOWL / PEARL HEN
000006	<i>Camelus dromedarius</i>	DROMEDARY CAMEL
000002	<i>Marmota monax</i>	GROUNDHOG / WOODCHUCK
000004	<i>Choloepus didactylus</i>	LINNAEUS'S TWO-TOED SLOTH
000058	<i>Atelerix albiventris</i>	FOUR-TOED HEDGEHOG
000020	<i>Bos taurus</i>	CATTLE / COW / OX / WATUSI
000003	<i>Bison bison</i>	AMERICAN BISON
000010	<i>Taeniopygia guttata</i>	ZEBRA FINCH / TIMOR ZEBRA FINCH
000001	<i>Lama glama</i>	LLAMA
000003	<i>Meleagris gallopavo domesticus</i>	DOMESTIC TURKEY
000708	<i>Pavo cristatus</i>	INDIAN PEAFOWL / COMMON PEAFOWL / PEAHEN / PEACOCK
000006	<i>Hydrochaeris hydrochaeris</i>	CAPYBARA
000003	<i>Canis latrans</i>	COYOTE
000020	<i>Mephitis mephitis</i>	STRIPED SKUNK
000047	<i>Dama dama</i>	FALLOW DEER
000030	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000002	<i>Boselaphus tragocamelus</i>	NILGAI
000002	<i>Cacatua alba</i>	WHITE COCKATOO / UMBRELLA COCKATOO
000003	<i>Dasypus novemcinctus</i>	NINE-BANDED ARMADILLO
000001	<i>Arctictis binturong</i>	BINTURONG
000003	<i>Procyon lotor</i>	RACCOON
000005	<i>Graphiurus lorrainus</i>	AFRICAN DORMOUSE
000001	<i>Giraffa camelopardalis</i>	GIRAFFE
000027	<i>Vulpes vulpes</i>	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000001	<i>Arctictis binturong</i>	BINTURONG
000005	<i>Vulpes zerda</i>	FENNEC FOX
000003	<i>Aonyx cinereus</i>	ORIENTAL SMALL-CLAWED OTTER
000008	<i>Dolichotis patagonum</i>	PATAGONIAN CAVY / MARA
000007	<i>Notamacropus rufogriseus</i>	BENNETT'S WALLABY / RED-NECKED WALLABY
000005	<i>Callithrix penicillata</i>	BLACK-EARED MARMOSET



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 14-Sep-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	14-SEP-2023
000015	<i>Rhea americana</i>		GREATER RHEA / AMERICAN RHEA	
000007	<i>Notamacropus rufogriseus</i>		BENNETT'S WALLABY / RED-NECKED WALLABY	
000003	<i>Equus quagga</i>		BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA	
000002	<i>Bassariscus astutus</i>		RINGTAIL	
000005	<i>Saimiri sciureus</i>		COMMON SQUIRREL MONKEY	
000001	<i>Callithrix jacchus</i>		COMMON MARMOSET	
000004	<i>Camelus bactrianus</i>		BACTRIAN CAMEL	
000006	<i>Glaucomys volans</i>		SOUTHERN FLYING SQUIRREL	
000005	<i>Rousettus aegyptiacus</i>		EGYPTIAN FRUIT BAT	
000005	<i>Hystrix cristata</i>		AFRICAN CRESTED PORCUPINE	
000002	<i>Lemur catta</i>		RING-TAILED LEMUR	
000001	<i>Otocyon megalotis</i>		BAT-EARED FOX	
000003	<i>Didelphis virginiana</i>		VIRGINIA OPOSSUM	
000008	<i>Chloebia gouldiae</i>		GOULDIAN FINCH	
000001	<i>Sapajus appella</i>		BROWN CAPUCHIN / TUFTED CAPUCHIN	
000001	<i>Felis margarita</i>		SAND CAT	
000001	<i>Ara, Anodorhynchus, Primolius, Diopsittaca</i>		MACAW HYBRID	
000005	<i>Potos flavus</i>		KINKAJOU	
000010	<i>Cervus canadensis</i>		ELK / WAPITI	
000002	<i>Felis lybica</i>		AFRICAN WILDCAT	
000003	<i>Ara ararauna</i>		BLUE-AND-YELLOW MACAW / BLUE-AND-GOLD MACAW	
000002	<i>Ara macao</i>		SCARLET MACAW	
000001	<i>Cervus elaphus</i>		RED DEER	
000002	<i>Bubo bubo</i>		EURASIAN EAGLE-OWL	
000004	<i>Branta canadensis</i>		CANADA GOOSE	
000004	<i>Ammotragus lervia</i>		BARBARY SHEEP	
000001	<i>Phasianus colchicus</i>		RING-NECKED PHEASANT / COMMON PHEASANT	
000001	<i>Columba livia</i>		ROCK PIGEON	
002285	Total			

Exhibit 8

November 2, 2023 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000902902

Inspection Report

Mount Hope Auction Inc
PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 02-NOV-2023

3.61(a)

Repeat

Primary enclosures used to transport live rabbits.

Several of the primary transport enclosures for rabbits were not constructed in a manner to facilitate proper ventilation and safe handling. Approximately 50 % of the rabbit enclosures did not have projecting rims to ensure adequate ventilation or handholds to prevent tilting during movement or contact with the animals. Two enclosures (lot #8495 and #8453) were observed with bent or broken wires causing sharp point projecting into the enclosure. Projecting rims and handholds on transport enclosures ensure adequate ventilation when cages are stacked, and proper handling when moving cages. Sharp metal points in enclosures can be injurious to the rabbits. Correct by ensuring that rabbit transport enclosures are compliant with the AWA regulations including projecting rims, handholds, and interiors that are free from any protrusions that may injure the rabbits.

3.61(c)

Primary enclosures used to transport live rabbits.

A rabbit enclosure (lot# 8949), housing seven adult rabbits, did not have enough space for the animals to turn about freely. While the rabbits were standing, they touched all sides of the enclosure and were not able to make normal postural adjustments. One rabbit that was attempting to move from the front of the enclosure, fell into the water receptacle and was unable to move past the other rabbits. Enclosures that are too small for the number of rabbits contained within them, can inhibit the natural movements of the animal and cause unnecessary stress and discomfort. Enclosures used to transport live animals shall be large enough to ensure that each animal has sufficient space to turn about freely and to make normal postural adjustments. This non-compliance was corrected at the time of inspection.

3.162(a)

Primary enclosures used to transport live birds.

Numerous primary transport enclosures for birds are not properly constructed. Numerous primary transport enclosures for birds did not have handholds (example, Lot # 9071), were not marked with the words "Live Animals" (example, Lot #10132), were not constructed to allow birds to be quickly removed in an emergency (example, Lot # 9070). Additionally, numerous birds were sticking their heads outside of the enclosures (example, Lot # 9861) and some enclosures lacked a solid leak-proof bottom and/or a leak-proof collection tray (example, Lot # 9825). A lack of a method to quickly remove birds can make it difficult to remove birds in case of an emergency, a lack of handholds can cause unintentional contact between the handler and the bird during transport, a lack of "Live Animal" markings can cause inappropriate handling as its contents and position may be unclear to the staff, ability for birds to stick body parts outside the enclosure can cause

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Date:

06-NOV-2023

Title: ANIMAL CARE INSPECTOR

Received by Title: Facility Representative

Date:

06-NOV-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000902902

Inspection Report

injury, and a lack of a solid leak-proof bottom and/or a leak-proof collection tray can allow for fecal material to contaminate enclosures placed beneath. Correct by ensuring that all primary transport enclosures for birds are properly constructed. Correct by 6-November-2023.

3.162(e)

Primary enclosures used to transport live birds.

Primary transport enclosures for birds do not provide sufficient space. A transport enclosure containing 8 chickens (Lot #9269) and another containing 11 chickens (Lot #10132) did not have sufficient space to allow birds to make normal postural adjustments. Inadequate space can cause unnecessary discomfort and distress to the birds. Primary enclosures used to transport live birds must be large enough to ensure that each bird contained therein has sufficient space to turn about freely and to make normal postural adjustments. Correct by ensuring that all primary transport enclosures for birds provide enough space. Correct by 6-November-2023.

This is a continuation of the report for the Focused inspection conducted 02-November-2023 and contains the remaining non-compliances found during the inspection. The exit briefing for the items included on this report was conducted on 04-November-2023.

This inspection was conducted with the facility representatives on 02-November-2023 through 04-November-2023. The exit interview was conducted with the facility representatives on 04-November-2023.

Additional Inspectors:

Jonathan Tomkovitch, VETERINARY MEDICAL OFFICER

Charles Palmer, VETERINARY MEDICAL OFFICER

AMY NOOYEN, VETERINARY MEDICAL OFFICER

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

06-NOV-2023

Received by Title: Facility Representative

Date:

06-NOV-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 02-Nov-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	02-NOV-2023

Count	Scientific Name	Common Name
000196	<i>Gallus gallus domesticus</i>	DOMESTIC CHICKEN (INCLUDING ALL DOMESTIC BREEDS / TURKIN / COCK / HEN / ROOSTER)
000003	<i>Capra hircus</i>	DOMESTIC GOAT
000006	<i>Hystrix cristata</i>	AFRICAN CRESTED PORCUPINE
000011	<i>Cygnus atratus</i>	BLACK SWAN
000002	<i>Procavia capensis</i>	ROCK HYRAX
000001	<i>Notamacropus rufogriseus</i>	BENNETT'S WALLABY / RED-NECKED WALLABY
000001	<i>Bassariscus astutus</i>	RINGTAIL
000001	<i>Vulpes lagopus</i>	ARCTIC FOX
000004	<i>Nasua olivacea</i>	MOUNTAIN COATI
000060	<i>Serinus canaria domestica</i>	DOMESTIC CANARY / COMMON CANARY
000002	<i>Platycercus icterotis</i>	WESTERN ROSELLA
000007	<i>Dolichotis patagonum</i>	PATAGONIAN CAVY / MARA
000002	<i>Amazona auropalliata</i>	YELLOW-NAPED PARROT / YELLOW-NAPED AMAZON
000002	<i>Cacatua alba</i>	WHITE COCKATOO / UMBRELLA COCKATOO
000002	<i>Osphranter rufus</i>	RED KANGAROO
000001	<i>Coendou prehensilis</i>	PREHENSILE-TAILED PORCUPINE
000076	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000001	<i>Aonyx cinereus</i>	ORIENTAL SMALL-CLAWED OTTER
000001	<i>Crossarchus obscurus</i>	KUSIMANSE
000005	<i>Mustela putorius furo</i>	DOMESTIC FERRET
000001	<i>Dacelo novaeguineae</i>	LAUGHING KOOKABURRA
000012	<i>Mephitis mephitis</i>	STRIPED SKUNK
000009	<i>Agapornis fischeri</i>	FISCHER'S LOVEBIRD
000001	<i>Lemur catta</i>	RING-TAILED LEMUR
000003	<i>Ara macao</i>	SCARLET MACAW
000004	<i>Hydrochaeris hydrochaeris</i>	CAPYBARA
000018	<i>Psittacula krameri</i>	ROSE-RINGED PARAKEET
000002	<i>Platycercus adscitus</i>	PALE-HEADED ROSELLA
000002	<i>Aplopelia larvata</i>	LEMON DOVE
000008	<i>Alectoris chukar</i>	CHUKAR
000002	<i>Aratinga solstitialis</i>	SUN PARAKEET
000018	<i>Nymphicus hollandicus</i>	COCKATIEL
000057	<i>Geopelia cuneata</i>	DIAMOND DOVE
000002	<i>Padda oryzivora</i>	JAVA SPARROW
000004	<i>Spilopelia chinensis</i>	SPOTTED DOVE
000005	<i>Camelus dromedarius</i>	DROMEDARY CAMEL
000021	<i>Myiopsitta monachus</i>	MONK PARAKEET / QUAKER PARROT
000008	<i>Lonchura striata domestica</i>	SOCIETY FINCH / BENGALIAN FINCH
000091	<i>Melopsittacus undulatus</i>	BUDGERIGAR / BUDGIE / COMMON PARAKEET / SHELL PARAKEET
000002	<i>Psittacus erithacus</i>	CONGO AFRICAN GREY PARROT / GRAY PARROT
000004	<i>Chalcophaps indica</i>	ASIAN EMERALD DOVE / GREY-CAPPED EMERALD DOVE
000026	<i>Pyrrhura molinae</i>	GREEN-CHEEKED PARAKEET / GREEN-CHEEKED CONURE
000058	<i>Taeniopygia guttata</i>	ZEBRA FINCH / TIMOR ZEBRA FINCH
000002	<i>Ara ararauna</i>	BLUE-AND-YELLOW MACAW / BLUE-AND-GOLD MACAW
000002	<i>Gallicolumba luzonica</i>	LUZON BLEEDING-HEART
000002	<i>Neophema bourkii</i>	BOURKE'S PARROT
000015	<i>Turnix velox</i>	LITTLE BUTTONQUAIL / LITTLE BUTTON QUAIL



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 02-Nov-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	02-NOV-2023
000002	<i>Amazona aestiva</i>		TURQUOISE-FRONTED PARROT / TURQUOISE-FRONTED AMAZON / BLUE-FRONTED AMAZON	
000002	<i>Boselaphus tragocamelus</i>		NILGAI	
000002	<i>Spilopelia senegalensis</i>		LAUGHING DOVE	
000004	<i>Nannopsittaca dachilleae</i>		AMAZONIAN PARROTLET / MANU PARROTLET	
000007	<i>Cygnus olor</i>		MUTE SWAN	
000002	<i>Erythrura pealii</i>		FIJI PARROTFINCH / RED-HEADED PARROT FINCH	
000007	<i>Chloebia gouldiae</i>		GOULDIAN FINCH	
000001	<i>Neophema splendida</i>		SCARLET-CHESTED PARROT	
000007	<i>Bathilda ruficauda</i>		STAR FINCH	
000079	<i>Dama dama</i>		FALLOW DEER	
000006	<i>Stizoptera bichenovii</i>		DOUBLE-BARRED FINCH	
000004	<i>Equus quagga</i>		BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA	
000002	<i>Sus scrofa domestica</i>		DOMESTIC PIG / POTBELLY PIG / MICRO PIG	
000053	<i>Colinus virginianus</i>		NORTHERN BOBWHITE	
000027	<i>Phasianus colchicus</i>		RING-NECKED PHEASANT / COMMON PHEASANT	
000011	<i>Cervus canadensis</i>		ELK / WAPITI	
000010	<i>Taurotragus oryx</i>		COMMON ELAND	
000019	<i>Numida meleagris</i>		DOMESTIC GUINEAFOWL / HELMETED GUINEAFOWL / PEARL HEN	
000004	<i>Anser indicus</i>		BAR-HEADED GOOSE	
000065	<i>Oryctolagus cuniculus</i>		DOMESTIC RABBIT / EUROPEAN RABBIT	
000016	<i>Bubalus bubalis</i>		ASIATIC WATER BUFFALO	
000015	<i>Anas platyrhynchos domestica</i>		DOMESTIC DUCK INCLUDING ALL DOMESTIC BREEDS	
000005	<i>Callonetta leucophrys</i>		RINGED TEAL	
000004	<i>Anas acuta</i>		NORTHERN PINTAIL	
000019	<i>Bison bison</i>		AMERICAN BISON	
000001	<i>Potos flavus</i>		KINKAJOU	
000001	<i>Tolypeutes matacus</i>		SOUTHERN THREE-BANDED ARMADILLO	
000048	<i>Pavo cristatus</i>		INDIAN PEAFOWL / COMMON PEAFOWL / PEAHEN / PEACOCK	
000016	<i>Chrysolophus pictus</i>		GOLDEN PHEASANT	
000004	<i>Dendrocygna autumnalis</i>		BLACK-BELLIED WHISTLING-DUCK	
000009	<i>Aix galericulata</i>		MANDARIN DUCK	
000011	<i>Anser anser domesticus</i>		DOMESTIC GOOSE	
000003	<i>Tragopan temminckii</i>		TEMMINCK'S TRAGOPAN	
000004	<i>Chrysolophus amherstiae</i>		LADY AMHERST'S PHEASANT	
000008	<i>Dendrocygna eytoni</i>		PLUMED WHISTLING-DUCK	
000001	<i>Crossoptilon auritum</i>		BLUE EARED-PHEASANT	
000002	<i>Tadorna ferruginea</i>		RUDDY SHELDUCK	
000006	<i>Columba livia domestica</i>		DOMESTIC PIGEON INCLUDING ALL DOMESTIC BREEDS	
000008	<i>Aix sponsa</i>		WOOD DUCK / CAROLINA DUCK	
000098	<i>Bos taurus</i>		CATTLE / COW / OX / WATUSI	
000005	<i>Bos primigenius indicus</i>		ZEBU	
000016	<i>Bos grunniens</i>		YAK	
000002	<i>Octodon degus</i>		DEGU	
000031	<i>Atelerix albiventris</i>		FOUR-TOED HEDGEHOG	
000012	<i>Phodopus campbelli</i>		CAMPBELL'S DESERT HAMSTER / RUSSIAN HAMSTER	
000002	<i>Mesocricetus auratus</i>		SYRIAN / GOLDEN HAMSTER	
000012	<i>Meriones unguiculatus</i>		MONGOLIAN GERBIL	
000001	<i>Meriones persicus</i>		PERSIAN JIRD	



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 02-Nov-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	02-NOV-2023

001437 **Total**

Exhibit 9

November 2, 2023 Inspection Report – Direct Violations



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000901932

Inspection Report

Mount Hope Auction Inc

PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 02-NOV-2023

2.131(b)(1) Direct

Handling of animals.

In the animal intake area, two pairs of Bar-headed Geese were exhibiting signs of stress that resulted in physical harm of the animals. One pair of Bar-headed Geese (lot number 9375) were on a flat-bed cart awaiting placement in a sale area. The intake area has a constant flow of human and animal traffic in a limited space. One of the animals was observed erratically swaying and lunging at the wire sides of the enclosure resulting in injury to its beak. The beak had become entrapped in the wire sides of the enclosure causing wounds that were actively bleeding onto the sides of the enclosure and the animal's plumage. The veterinary team was notified of the condition of the bird by an inspector. The veterinary team moved these birds to a quieter location and covered the enclosure.

Similarly, a second pair of Bar-headed Geese (lot number 9377) were in the same intake area on a flat bed wagon awaiting sale. The geese were exhibiting the same behavior erratically swaying and lunging at the wire sides of the enclosure. The beak of one of the geese had become entrapped in the wire sides of the enclosure causing wounds that were actively bleeding. The veterinary team was notified of the condition of the bird by an inspector. The veterinary team observed the birds but left them in the same location stating that at the point of their observation that the birds had settled. Containing animals in a stressful environment can lead to behavioral abnormalities, bodily injury, and unnecessary discomfort.

Correct by ensuring that all animals are handled as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort. Correct by 3-November-2023 at 10:00 AM.

3.162(a)(3) Direct

Primary enclosures used to transport live birds.

In the animal intake area, two transport enclosures, each housing two Bar-Headed Geese, did not securely contain the birds resulting in entrapment and injury. The first pair of geese (lot number 9375) were in enclosures on a transport cart and were observed erratically moving and lunging their beaks through the wire mesh of the enclosure. While the one goose was lunging its beak through the wire, it became entrapped and was wounded around its beak that was actively bleeding onto the plumage and the sides of the enclosure. The wire sides of the enclosure were wide enough that the animals beak was able to pass through leading to entrapment. The veterinary team was notified by an inspector and the birds were moved to another location for observation. A second pair of geese (lot number 9377), in a similar enclosure, were observed on a flat bed wagon in the intake area. The geese were observed lunging towards the wire enclosure sides in a similar manner and one of the geese also had an actively bleeding wound around its beak. The veterinary team was notified by an inspector at which point the animals were observed but remained in the same location and enclosure.

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Date:

02-NOV-2023

Title: ANIMAL CARE INSPECTOR

Received by Title: Facility Representative

Date:

02-NOV-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0000901932

Inspection Report

Containing birds in enclosures that allow for parts of their body to go outside of their enclosure can result in entrapment and injury of the bird, or harm to other persons or animals nearby. Transport enclosures must ensure that the birds are at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to other persons or to animals nearby. Correct by ensuring that transport enclosures securely contain the birds and do not cause injury. Correct by 10:00 am on 3-November-2023.

A focused inspection was conducted starting on 02-November-2023. This inspection report is limited to the Direct non-compliances identified during that inspection. An additional inspection report will be delivered with the other issues identified during this inspection.

The exit briefing was conducted on 02-November-2023 with a Facility Representative.

Additional Inspectors:

AMY NOOYEN, VETERINARY MEDICAL OFFICER

Jonathan Tomkovitch, VETERINARY MEDICAL OFFICER

Prepared By: MARK SANDERBECK
USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR

Date:
02-NOV-2023

Received by Title: Facility Representative

Date:
02-NOV-2023



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 02-Nov-2023

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	02-NOV-2023

Count	Scientific Name	Common Name
000004	<i>Anser indicus</i>	BAR-HEADED GOOSE
000004	Total	

Exhibit 10

February 12, 2024 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0001001025

Inspection Report

Mount Hope Auction Inc

PO Box 82

Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 12-FEB-2024

2.40(b)(2)

Critical

Attending veterinarian and adequate veterinary care (dealers and exhibitors).

At least forty-two animals were identified as not receiving adequate veterinary care during the September 14th-16th, 2023 and November 2nd-4th 2023 sales. Photos and videos submitted to APHIS officials clearly demonstrate that veterinary care was required for the animals listed.

APHIS officials spoke with the Attending Veterinarian (AV) of the facility who requested that all questions be sent and responded to through email. The Attending Veterinarian stated that the response was sent on the behalf of the veterinarians who work during these sales.

The Attending Veterinarian and associate veterinarians working at the facility could not recall seeing these animals or any specific treatments given to them. None of the veterinarians were able to confirm that any of the animals were evaluated or that any veterinary care was provided. In addition, there are no medical treatment records available for review and no other documentation to show whether a veterinary evaluation was requested or conducted.

The Attending Veterinarian stated that he does not consider consigned animals at the auction as patients of the auction's veterinarians. Additionally, the Attending Veterinarian stated that all treatment sheets or notes (if any were conducted / provided) would follow the animal to the new owner for follow-up treatment by the animal's veterinarian.

The facility could not demonstrate that the following animals at the September and November 2023 sales received adequate veterinary care in compliance with the Animal Welfare Act (AWA).

September 2023 Sale:

- Two Nilgai (Lot# 2751 and 2752) were severely emaciated with very prominent ribs, scapula, and pelvic bones. Individual vertebrae are visible and readily apparent indicating minimal fat deposits.
- Several cattle (including Lot #1127) were severely emaciated with very prominent ribs, scapula, and pelvic bones. Individual vertebrae are visible and readily apparent indicating minimal fat deposits.
- An alpaca (Lot # 1397) appears underweight and lethargic. The animal was seen lying sternally with the nose pressed

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

07-MAY-2024

Received by Title: Facility Representative

Date:

07-MAY-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

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INS-0001001025

Inspection Report

into the bedding of the enclosure. The animal appears to not be responding to its surroundings despite being housed in a noisy environment in a group with other animals nearby. The animal exhibited prominent ribs and pelvis visible through the long fiber indicating that the animal was also underweight.

- Sheep (Lot # 2174) was underweight and had brown matted debris consistent with diarrhea adhered to the hind region of the animal and the back legs.
- Sheep (Lot # 769) was thin with prominent ribs with diarrhea adhered to the hind region and tail of the animal.
- Sheep (Lot # 779) was thin with an excessive amount of diarrhea present on the legs and tail of the animal.
- Sheep (Lot # 2721) had thick black diarrhea adhered to the hind region and tail of the animal.
- Sheep (Lot # 2189) was thin with the pelvis of the animal visible through the wool and had a dirty matted tail.
- Sheep (Lot # 2358) was thin and has diarrhea adhered to the tail.
- Sheep (Lot # 843) was thin with diarrhea adhered to the hind end and tail with bedding material present.
- A ranch fox (Lot # 6393) had ocular discharge in the area closest to the animal's nose in both eyes. The animal was recorded consistently head shaking appearing to be in discomfort.
- A Jacob's sheep (Lot # 2019) had a clear nasal discharge in both nostrils. A bubble was forming due to the discharge in the right nostril. Bedding material was adhered to the discharge on the left nostril.
- A splash polish chicken (Lot # 4339) had a swollen underside with feather loss and reddened skin.
- Two Zebu (Lot # 1083, 1189) had dark colored diarrhea adhered to the hind region and back of the legs of the animals.
- A llama (Lot # 1475) is thin and had hair loss on the back of the neck and over the spine in the lumbar region. The skin appears to be dry and flakey.
- Two Macaws (including Lot #4999) had feather loss on the neck, chest and/or legs.
- Two Senegal parrots (Lot # 6505) housed in a pair had feather loss on the neck and head. Most of the head of both individuals did not have feathers present.
- A silver chukar partridge (Lot #5250) had feather loss on the back near the base of the tail. The tail feathers were also damaged and unkept.
- Several llamas (Lot # 1361, 1469, 1471, 1472) had thick coats that were matted with bedding and other debris trapped in the coat.

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USDA, APHIS, Animal Care

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- A raccoon (Lot# 6644) showed stereotypic behavior in their enclosure. The animal was seen consistently pacing back and forth at the front of the enclosure.
- A ranch fox (Lot# 6395) showed stereotypic behavior in their enclosure. The animal was seen consistently pawing at the water receptacle and biting/pawing on the wire and wood material of the enclosure
- A coatimundi was photographed with brown/orange diarrhea on the food/water receptacle and throughout the enclosure.
- A Budgerigar that was housed in a group had feather loss on the wing with reddened skin.
- A cockatiel had feather loss on the back of the head and neck. There was dry scaly skin present on areas of feather loss.
- Several Emu housed in a group had feather loss on a large portion of the front of the neck.

November 2023 Sale:

- A white park cow (Lot # 1203) was found to be emaciated. The animal had prominent ribs, spine, pelvis, and scapula indicating there were very little fat deposits.
- A crossbred sheep (Lots #784) appeared to have a prepuce that was swollen.
- A billy goat (Lot# 754) had white crusty ocular discharge in the left eye
- A painted desert sheep (Lot# 639) had white nasal discharge in both nostrils. Bedding material was adhered to the discharge.

The facility cannot demonstrate if these animals received adequate veterinary care. Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Correct by ensuring that all animals receive adequate veterinary care. Correct by 08-March-2024.

2.76(a)

Repeat

Records: Operators of auction sales and brokers.

During both the September and November 2023 sales, numerous records were not complete. At least 100 consignor records at both sales were found to be missing the USDA License number (if licensed) or the vehicle license number and driver's license or state issued ID if the consignor is not licensed under the AWA. Additionally, at least 6 disposition records from the September sale and at least 4 dispositions records from the November sale did not include the USDA license number for buyers that were USDA licensed, and none of the disposition records contained the sex and approximate age of the animal.

Failure to maintain complete records limits APHIS's ability to properly track animal movements and ensure the well-being

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Date:

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United States Department of Agriculture
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Inspection Report

of those animals. The auction shall make, keep, and maintain records/forms which fully and correctly disclose all the required information of each animal consigned for auction or sold. Correct by ensuring that all records contain the required information including: the USDA License number (if licensed) or the vehicle license number and driver's license or state issued ID if the consignor is not licensed under the AWA, and a complete description of the animal (species, breed/type, sex, date of birth or approximate age, color and distinctive markings).

2.132(d) Critical Repeat

Procurement of dogs, cats, and other animals; dealers.

During both the September 14-16, 2023 and November 2-4, 2023, sales, the auction accepted over 80 animals for consignment from un-licensed individuals who were required to be licensed. These individuals did not hold a valid USDA license or a one-time exemption. These included:

September Sale 14-16, 2023

- A consignor sold one ring-tailed lemur Lot # 8226 and did not have a USDA license.
- A consignor sold five flying squirrels Lot # 6761-6765 and did not have a USDA license.
- A consignor sold ten short tail opossum Lot # 6847-6853 and did not have a USDA license.
- A consignor sold one oryx Lot # 1680 and one Pere David's deer Lot # 1681 and did not have a USDA license.
- A consignor sold one Nilgai Lot # 2759 and did not have a USDA license.
- A consignor sold two Aoudad Lot # 1655-1656 and did not have a USDA license.
- A consignor sold one marble fox Lot # 6598 and did not have a USDA license.
- A consignor sold two red fox Lot # 5918 and did not have a USDA license.
- A consignor sold three skunk Lot # 7863-7865, five opossum Lot # 7866-7870, one red fox Lot # 7871 and did not have a USDA license. Two skunk Lot # 7868, 7869 were sold to a licensed facility.
- A consignor sold three red fox Lot # 7700, 7701, 7702 and did not have a USDA license.
- A consignor sold three skunk Lot # 8134-8136 and did not have a USDA license.
- A consignor sold four skunk Lot # 7751-7754 and did not have a USDA license.
- A consignor sold two skunk Lot # 7491-7492 and did not have a USDA license.

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

07-MAY-2024

Received by Title: Facility Representative

Date:

07-MAY-2024



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Inspection Report

•A consignor sold nine skunk Lot # 7505-7513 and one opossum Lot # 7514 and did not have a USDA license. One skunk Lot # 7511 was sold to a licensed facility.

•A consignor sold one skunk Lot # 7303 and did not have a USDA license.

November Sale 2nd-4th 2023:

•A consignor sold one kinkajou Lot # 10589 and did not have a USDA license.

•A consignor sold two coyote Lot # 10585 and did not have a USDA license.

•A consignor sold two javelina Lot # 1421-1422 and did not have a USDA license.

•A consignor sold six yak Lot # 1054-1059, one water buffalo Lot # 1053 and did not have a USDA license.

•A consignor sold three water buffalo Lot # 1010-1012 and did not have a USDA license.

•A consignor sold two water buffalo Lot # 1094-1095 and did not have a USDA license.

•A consignor sold fourteen bison Lot # 1018-1022, 1099, 1100, 1776, 1777, 1082, 1069-1070, 1039-1040 and two white elk Lot # 1411-1412 and did not have a USDA license.

APHIS officials were present in the consignment area during both auction events for much of the time that animals were being accepted. Inspectors have advised the facility how to check if a customer has an active license by using the public search tool. In addition, inspectors were conducting inspections with consigners in the check in/unloading areas and requesting USDA license numbers.

During the September Auction, facility staff were present when inspectors explained to a person that presented animals for consignment that they require a valid USDA license to sell foxes and that the license would be required for the auction to accept them. The auction staff were made aware that that individual did not hold a valid license. The person left the animal intake area and decided not to consign the animals at the time of inspection, however, the same individual returned later the same day and consigned foxes Lot # 7700, 7701, 7702. The facility staff accepted that consignment when inspectors were no longer present.

No dealer shall knowingly obtain any animal from any person who is required to be licensed but who does not hold a current, valid license or has not received a onetime exemption from USDA to sell the animals. Failure to ensure that consignors of animals which are required to be licensed have a valid license prevents APHIS from ensuring the well-being of those animals at their originating facility. Correct by ensuring that animals are only obtained from sources that hold a current, valid, and unsuspended licensed or from individuals that are exempted from licensure under the AWA.

This inspection and exit interview were conducted with the Facility Representative.

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

07-MAY-2024

Received by Title: Facility Representative

Date:

07-MAY-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

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INS-0001001025

Inspection Report

Additional Inspectors:

Jonathan Tomkovitch, VETERINARY MEDICAL OFFICER

CARRIE BONGARD, ANIMAL CARE INSPECTOR

Prepared By: MARK SANDERBECK
USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR

Date:
07-MAY-2024

Received by Title: Facility Representative

Date:
07-MAY-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 12-Feb-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	12-FEB-2024

Count	Scientific Name	Common Name
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000000	NONE	NONE
000000	Total	



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 12-Feb-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	12-FEB-2024

Exhibit 11

March 20, 2024 Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0001052258

Inspection Report

Mount Hope Auction Inc

PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 20-MAR-2024

2.131(b)(1)

Repeat

Handling of animals.

Handling of a Red Kangaroo in the auction ring was not done as expeditiously and carefully as possible.

An auction employee was observed during the sale grabbing an adult kangaroo (tag# 2206) by the tail and spinning the animal around to direct it to the exit of the sales ring. The animal was struggling to escape the grip of the man and was observed repeatedly jumping and pawing at the loose substrate in the sales ring.

Mishandling of animals causes behavioral stress, discomfort and can result in injury to both the animals and humans working with them. All animals shall be handled as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort.

2.131(c)(1)

Repeat

Handling of animals.

During the auction, members of the public were observed touching and petting several potentially dangerous animals in the hoofstock barns. In the barn behind the main auction ring, a family, including several children, were observed reaching through the fence and petting an anxious zebra and a mature dromedary camel. In the barn adjacent to this area, a member of the public was observed touching a large, male bison. After the contact, the bison violently struck the gate with his head, but both the animal and member of the public were not injured. Additionally, in the barn behind Ring 2, a family was observed harassing a large ostrich. The ostrich was able to slide its head and neck through the fence which allowed members of the public to touch and harass the bird.

At these points, no facility employees were present to deter the public from handling the animals. The inspectors notified several staff members of the animal contact at various times, however, barriers or a consistent attendant were not present in these areas during the duration of the auction.

Failure to ensure appropriate distance and/or barriers, can allow for unintended interactions and lead to harm to the animals or the public. The facility is responsible for safe exhibition of the animals while on auction grounds, including sufficient distance and/or barriers between the animals and general viewing public so as to assure the safety of both animals and the public.

2.131(d)(2)

Repeat

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

02-JUL-2024

Received by Title: Facility Representative

Date:

02-JUL-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0001052258

Inspection Report

Handling of animals.

During the auction, members of the public were observed touching or petting several of the animals without a readily identifiable employee being present. In the hoofstock barn, to the right of the main auction ring, the inspection team observed a member of the public enter an enclosure (pen #21) with three young calves (#2618, 2636, and 2637). The individual cornered and made contact with one of the calves before leaving the enclosure. The inspection team asked the man if he was the owner of the animals, and he stated that he did not consign them to the auction. Another member of the public entered a stall containing 5 llamas. He held one by the halter and was attempting to examine another. When asked by inspection team members if he owned the llamas, he stated he did not. Throughout the auction, the inspection team observed members of the public touching several other animals including goats, a llama, zebu, zebra dromedary camel, and bison. In these areas, the facility did not have readily identifiable employees on hand during the public interactions with the animals. The facility has signage trying to deter people from touching the animals, however, members of the public continued to contact the animals.

A lack of readily identifiable attendants to deter the public from contacting the animals can allow for unintended interactions which could lead to harm to the animals or members of the public. A responsible, knowledgeable and readily identifiable employee or attendant must be present at all times during periods of public contact whether intended or not.

2.132(d) Critical Repeat

Procurement of dogs, cats, and other animals; dealers.

The auction knowingly accepted four muntjac for sale from an unlicensed individual that was required to be licensed. The consignment form did not contain a USDA license number. A valid license or one-time exemption is required to sell these species and the consignor does not hold an active license and did not have a one-time exemption. No dealer shall knowingly obtain any animal from any person who is required to be licensed but who does not hold a current, valid, and unsuspended license. Verification of a current and valid license is important for ensuring compliance with the Animal Welfare Act and ensuring animal welfare. Correct by ensuring that all consignors of covered species hold a current valid unsuspended license before accepting consignment of those animals.

3.125(a)

Facilities, general.

Throughout the hoofstock barns, there are areas that are inappropriate for the animal being housed or in a state of disrepair. One enclosure behind the main auction ring, housing an anxious zebra (#2260), had a hole in the fencing which allowed for the zebra to pass its head through the fence and into the adjacent enclosure. At one point, the zebra caught its halter on the fencing but was able to remove its head without injury. The inspection team notified a facility representative who covered the opening. In the same area, an enclosure housing nilgai, had a broken board with a splintered end between the fencing boards. Additionally, in the barn to the right of the main auction ring, there were holes in the walls of an enclosure (pen#21) housing three young calves.

Failure to maintain enclosure fencing and walls can allow for gaps, unstable structures, or sharp points which can result in entrapment or injury of the animals.

Facilities shall be maintained in good repair to protect the animals from injury and contain them.

Correct by: 25-April-2024.

3.133

Separation.

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

02-JUL-2024

Received by Title: Facility Representative

Date:

02-JUL-2024



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MSANDERBECK
INS-0001052258

Inspection Report

While the inspection team was viewing the animals from the hoofstock catwalk, incompatibility amongst multiple animals was observed. Three dromedary camels, housed in adjacent enclosures, were able to interact in a negative manner. When the young dromedary camel in the middle enclosure moved towards the pen housing a mature camel, the mature camel would bite at its head and neck. If the middle camel were to move toward the other enclosure, a juvenile camel would slide its neck through the fence and chew on its halter. The center camel was unable to move to either side of the enclosure without facing harassment from the other animals. At the same time, a zebra, in an adjacent pen, was observed pacing back and forth at a higher rate when the adult camel would attempt to interact through the fencing. Incompatible animals that are housed adjacent to each other can cause a stressful environment which may lead to discomfort or injury of the animals. Animals shall not be housed near animals that interfere with their health or cause them discomfort. After notifying a facility representative, the animals were moved to different enclosures. Correct by 01-April-2024.

3.137(a)

Repeat

Primary enclosures used to transport live animals.

Multiple transport enclosures housing three cavy, one capybara, and twelve goats did not have projecting rims. Additionally, the capybara and goat transport enclosures did not have handholds to prevent tilting and contact with the animals. A lack of projecting rims and handholds on primary transport enclosures prevent proper ventilation if the cages are stacked and can cause unintentional contact between the handler and the animal during transport. All primary transport enclosures for subpart F animals must contain openings that are easily accessible at all times for emergency removal of live animals, contain projecting rims or other devices on the exterior walls to prevent obstruction of the ventilation, and provide adequate handholds for lifting animals without tilting or risk of contact with the animal.

3.137(c)

Repeat

Primary enclosures used to transport live animals.

A goat transport enclosure housing twelve young goats, did not have enough space for the animals to turn about freely. The enclosure did not have a tag number however the individual goats were tagged including (tag numbers 971, 975, 972, 970, 973, 977). While the goats were standing, they touched all sides of the enclosure and were not able to make normal postural adjustments. Enclosures that are too small for the number of goats contained within them, can inhibit the natural movements of the animal and cause unnecessary stress and discomfort. Animal transport enclosures shall be large enough to ensure that each animal has sufficient space to turn about freely and to make normal postural adjustments. This noncompliance was corrected at the time of inspection.

3.137(e)

Repeat

Primary enclosures used to transport live animals.

Multiple animals including 12 goats, three cavy, and one capybara were in transport enclosures that did not have the words "Live Animal" or "Wild Animal" clearly marked with arrows or other markings indicating the correct upright position of the enclosure. A lack of clear markings can inhibit correct handling and cage orientation by first responders in the event of an emergency. The licensee must ensure that the words "Wild Animal" or "Live Animal" are marked on the top and on one or more sides with letters at least 1 inch (2.5 cm) high, and have arrows or other markings to indicate the correct upright position of the primary enclosure.

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

02-JUL-2024

Received by Title: Facility Representative

Date:

02-JUL-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0001052258

Inspection Report

This inspection and exit interview were conducted with Facility Representatives.

Additional Inspectors:

AMY NOOYEN, VETERINARY MEDICAL OFFICER

CHRISTINA RADZAI, VETERINARY MEDICAL OFFICER

Lauren Murphy, VETERINARY MEDICAL OFFICER

Prepared By: MARK SANDERBECK
USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR

Date:
02-JUL-2024

Received by Title: Facility Representative

Date:
02-JUL-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 20-Mar-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	20-MAR-2024

Count	Scientific Name	Common Name
000077	<i>Lama pacos</i>	ALPACA
000004	<i>Bison bison</i>	AMERICAN BISON
000010	<i>Camelus dromedarius</i>	DROMEDARY CAMEL
000003	<i>Cervus canadensis</i>	ELK / WAPITI
000009	<i>Antilope cervicapra</i>	BLACKBUCK
000057	<i>Capra hircus</i>	DOMESTIC GOAT
000003	<i>Taurotragus oryx</i>	COMMON ELAND
000023	<i>Chinchilla lanigera</i>	CHINCHILLA
000052	<i>Dromaius novaehollandiae</i>	EMU
000036	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000026	<i>Dama dama</i>	FALLOW DEER
000011	<i>Echinops telfairi</i>	LESSER MADAGASCAR HEDGEHOG TENREC
000068	<i>Atelerix albiventris</i>	FOUR-TOED HEDGEHOG
000001	<i>Notamacropus rufogriseus</i>	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	<i>Vulpes chama</i>	CAPE FOX
000014	<i>Osphranter rufus</i>	RED KANGAROO
000005	<i>Boselaphus tragocamelus</i>	NILGAI
000002	<i>Vulpes lagopus</i>	ARCTIC FOX
000013	<i>Struthio camelus</i>	COMMON OSTRICH
000038	<i>Rhea americana</i>	GREATER RHEA / AMERICAN RHEA
001063	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000005	<i>Rousettus aegyptiacus</i>	EGYPTIAN FRUIT BAT
000007	<i>Hydrochaeris hydrochaeris</i>	CAPYBARA
000012	<i>Bos grunniens</i>	YAK
000010	<i>Bubalus bubalis</i>	ASIATIC WATER BUFFALO
000017	<i>Octodon degus</i>	DEGU
000002	<i>Aonyx cinereus</i>	ORIENTAL SMALL-CLAWED OTTER
000002	<i>Galictis vittata</i>	GREATER GRISON
000002	<i>Potos flavus</i>	KINKAJOU
000008	<i>Ammotragus lervia</i>	BARBARY SHEEP
000002	<i>Nasua olivacea</i>	MOUNTAIN COATI
000001	<i>Vulpes zerda</i>	FENNEC FOX
000001	<i>Capra nubiana</i>	NUBIAN IBEX
000005	<i>Muntiacus reevesi</i>	REEVE'S MUNTJAC
000001	<i>Equus quagga</i> X <i>E. caballus</i>	ZEBRA-HORSE HYBRID / ZORSE / ZONY / HEBRA
000004	<i>Canis latrans</i>	COYOTE
000002	<i>Dolichotis patagonum</i>	PATAGONIAN CAVY / MARA
000003	<i>Lama guanicoe</i>	GUANACO
000001	<i>Didelphis virginiana</i>	VIRGINIA OPOSSUM
000020	<i>Lama glama</i>	LLAMA
000040	<i>Bos taurus</i>	CATTLE / COW / OX / WATUSI
000002	<i>Mustela putorius furo</i>	DOMESTIC FERRET
000005	<i>Equus quagga</i>	BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA
000002	<i>Dasyprocta leporina</i>	BRAZILIAN AGOUTI
000002	<i>Amazona oratrix</i>	YELLOW-HEADED PARROT / YELLOW-HEADED AMAZON / DOUBLE YELLOW-HEADED AMAZON
000002	<i>Choloepus didactylus</i>	LINNAEUS'S TWO-TOED SLOTH
000001	<i>Coendou prehensilis</i>	PREHENSILE-TAILED PORCUPINE
000001	<i>Aratinga jandaya</i>	JANDAYA PARAKEET



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 20-Mar-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	20-MAR-2024
000005	<i>Hystrix cristata</i>		AFRICAN CRESTED PORCUPINE	
000013	<i>Bathilda ruficauda</i>		STAR FINCH	
000001	<i>Platycercus elegans</i>		CRIMSON ROSELLA	
000001	<i>Mephitis mephitis</i>		STRIPED SKUNK	
000005	<i>Mesocricetus auratus</i>		SYRIAN / GOLDEN HAMSTER	
000002	<i>Ara macao</i>		SCARLET MACAW	
000002	<i>Psittacus erithacus</i>		CONGO AFRICAN GREY PARROT / GRAY PARROT	
000001	<i>Ara ararauna</i>		BLUE-AND-YELLOW MACAW / BLUE-AND-GOLD MACAW	
000021	<i>Pyrrhura molinae</i>		GREEN-CHEEKED PARAKEET / GREEN-CHEEKED CONURE	
000001	<i>Amazona rhodocorytha</i>		RED-BROWED PARROT	
000015	<i>Chloebeia gouldiae</i>		GOULDIAN FINCH	
000001	<i>Cacatua alba</i>		WHITE COCKATOO / UMBRELLA COCKATOO	
000007	<i>Myiopsitta monachus</i>		MONK PARAKEET / QUAKER PARROT	
000002	<i>Eolophus roseicapilla</i>		GALAH / ROSE-BREASTED COCKATOO / ROSEATE COCKATOO	
000017	<i>Agapornis roseicollis</i>		ROSY-FACED LOVEBIRD	
000023	<i>Geopelia cuneata</i>		DIAMOND DOVE	
000081	<i>Melopsittacus undulatus</i>		BUDGERIGAR / BUDGIE / COMMON PARAKEET / SHELL PARAKEET	
000035	<i>Serinus canaria domestica</i>		DOMESTIC CANARY / COMMON CANARY	
000002	<i>Pionites melanocephalus</i>		BLACK-HEADED PARROT	
000007	<i>Psittacula krameri</i>		ROSE-RINGED PARAKEET	
000004	<i>Padda oryzivora</i>		JAVA SPARROW	
000001	<i>Neophema splendida</i>		SCARLET-CHESTED PARROT	
000004	<i>Nannopsittaca dachilleae</i>		AMAZONIAN PARROTLET / MANU PARROTLET	
000050	<i>Nymphicus hollandicus</i>		COCKATIEL	
000007	<i>Lonchura striata domestica</i>		SOCIETY FINCH / BENGALIAN FINCH	
000005	<i>Platycercus eximius</i>		EASTERN ROSELLA	
000043	<i>Taeniopygia guttata</i>		ZEBRA FINCH / TIMOR ZEBRA FINCH	
000009	<i>Erythrura trichroa</i>		BLUE-FACED PARROTFINCH	
000024	<i>Neophema bourkii</i>		BOURKE'S PARROT	
000002	<i>Euplectes franciscanus</i>		NORTHERN RED BISHOP	
000001	<i>Aratinga solstitialis</i>		SUN PARAKEET	
000002	<i>Gallicolumba luzonica</i>		LUZON BLEEDING-HEART	
000004	<i>Chalcophaps indica</i>		ASIAN EMERALD DOVE / GREY-CAPPED EMERALD DOVE	
000002	<i>Eupsittula aurea</i>		PEACH-FRONTED PARAKEET	
000003	<i>Ocyphaps lophotes</i>		CRESTED PIGEON	
000004	<i>Geopelia striata</i>		ZEBRA DOVE	
000001	<i>Oena capensis</i>		NAMAQUA DOVE	
000003	<i>Oryx dammah</i>		SCIMITAR-HORNED ORYX	
002088	Total			



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 20-Mar-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	20-MAR-2024

Exhibit 12

July 22, 2024 Focused Inspection Report



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0001073279

Inspection Report

Mount Hope Auction Inc
PO Box 82
Mt Hope, OH 44660

Customer ID: **2156**

Certificate: **31-B-0031**

Site: 001

MOUNT HOPE AUCTION, INC.

Type: FOCUSED INSPECTION

Date: 22-JUL-2024

2.40(b)(2)

Critical

Repeat

Attending veterinarian and adequate veterinary care (dealers and exhibitors).

A female pheasant was identified as not receiving adequate veterinary care during the 21-March-2024 exotic animal sale. Photos and videos submitted to APHIS officials clearly demonstrate that veterinary care was required for the animal listed.

A female pheasant (tag # 6919) that was housed with another individual had a bleeding wound on the top of the head. In the video the wound appeared to be approximately 1-2 cm in size. The feathers surrounding the reddish-pink circular wound appeared wet and matted down from drainage and/or blood that extended from the wound down to the neck. Under the moistened feathers the skin appeared mildly red in color. The animal was severely lethargic. The animal was laying down with its head held up from its body, but leaning forward and down in a quiet, depressed manner. The animal's eye that could be seen was tightly shut. The animal had little to no reaction to the enclosure being manipulated, the loud environment, or an individual putting their finger inside the enclosure.

APHIS officials sent questions regarding veterinary care for animals at the facility through email. The Attending Veterinarian stated that the response was sent on the behalf of the veterinarians who work during these sales.

The Attending Veterinarian and associate veterinarians working at the facility could not recall seeing these animals or any specific treatments given to them. None of the veterinarians were able to confirm that any of the animals were evaluated or that any veterinary care was provided. In addition, there are no medical treatment records available for review and no other documentation to show whether a veterinary evaluation was requested or conducted.

The Facility Representative/Attending Veterinarian has stated previously that he does not consider consigned animals at the auction as patients of the auction's veterinarians. Additionally, the Attending Veterinarian stated that all treatment sheets or notes (if any were conducted / provided) would follow the animal to the new owner for follow-up treatment by the animal's veterinarian.

The facility could not demonstrate that the following animal at the March 2024 sale received adequate veterinary care in compliance with the Animal Welfare Act (AWA).

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

13-AUG-2024

Received by Title: Licensee

Date:

13-AUG-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

MSANDERBECK
INS-0001073279

Inspection Report

This animal is showing signs of pain and/or distress. Failure to provide adequate veterinary care to all animals at the facility can lead to prolonged suffering, stress in the animals, and possible disease spread.

The facility cannot demonstrate if these animals received adequate veterinary care. Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Correct by ensuring that all animals receive adequate veterinary care.

2.131(b)(1)

Repeat

Handling of animals.

Handling of a goat in the auction ring was not done as expeditiously and carefully as possible. Videos submitted to APHIS officials clearly demonstrates that the animal was not handled properly.

While introducing the goat to the sales ring the goat was actively avoiding the introduction and was attempting to re-enter the holding area. One auction employee grasped the animal by each side of the head lifting the front hoofs of the animal off the ground, using his knee to slide the animal into the ring. Another auction employee was then observed during the sale tightly grabbing a handful of the animals' skin on its lower back and lifting it off the ground for multiple strides, in an attempt to redirect the animal.

Mishandling of animals causes behavioral stress, discomfort and can result in injury to both the animals and humans working with them. All animals shall be handled as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort. Correct by ensuring all animals are handled as expeditiously and carefully as possible at all times.

3.162(a)(3)

Primary enclosures used to transport live birds.

At the March 21-23, 2024 Sale, a transport enclosure housing Quail did not securely contain the birds. A video submitted to APHIS officials clearly demonstrates that one Quail Lot #6954 was able to push their head through the wire mesh on the side of the enclosure. The wire sides of the enclosure were wide enough that the animals head was able to pass through and out of the transport enclosure. Containing birds in enclosures that allow for parts of their body to go outside of their enclosure can result in entrapment and injury of the bird, or harm to other persons or animals nearby. Primary enclosures used to transport birds must be constructed so that the bird is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to other persons or to animals nearby. Correct by ensuring that transport enclosures securely contain the birds at all times and do not cause injury. Correct by 6-AUG-2024.

This inspection and exit interview were conducted with the Facility Representative.

Additional Inspectors:

Jonathan Tomkovitch, VETERINARY MEDICAL OFFICER

Prepared By: MARK SANDERBECK

USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR

Date:

13-AUG-2024

Received by Title: Licensee

Date:

13-AUG-2024



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2156
Inspection Date: 22-Jul-2024

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2156	31-B-0031	001	MOUNT HOPE AUCTION, INC.	22-JUL-2024

Count	Scientific Name	Common Name
000000	NONE	NONE
000000	Total	