

RESCUE ORGANIZATION APPLICATION

**FOR THE PLACEMENT OF DOGS SEIZED AND FORFEITED
TO THE U.S. GOVERNMENT PURSUANT TO UNITED
STATES v. APPROXIMATELY 53 PIT BULL DOGS, CIVIL
No. 3:07CV397 (DOGS FROM BAD NEWZ KENNELS)**

Please read this application carefully and provide all requested information.

The completed application must be received by the guardian/special master at the address set forth below no later than November 12, 2007 for a Rescue Organization to be considered in the process of determining permanent placement of the dogs.

**Attention: Rebecca J. Huss
Guardian/Special Master
Valparaiso University School of Law
656 S. Greenwich Street
Wesemann Hall
Valparaiso, Indiana 46383**

Contact Number for Overnight Packages: 219-465-7847

I. Rescue Organization Contact Information

Please provide the following contact information for your Rescue Organization:

Full Legal Name of the Rescue Organization:

Contact Person's Name and Title:

Telephone Number:

E-Mail Address:

Website (if available):

Contact Address:

Please provide a brief general description of your organization:

In the report to the court it will be necessary for the guardian/special master to describe generally the organizations that complete the application (for example, a breed specific rescue organization in the Midwest). Please indicate below if your organization wishes to keep its name and contact information confidential.

The guardian/special master may use the Rescue Organization's name:

Yes _____ No _____

If your answer to the above question is "No" please provide a general description of the Rescue Organization that can be used for the report to the court:

II. The Dogs

The dogs in this case have been evaluated and initial recommendations for their permanent placement have been made. For purposes of this application, the Rescue Organization should determine which category of dogs that it is best suited to care for given the descriptions set forth below. During the time prior to final placement, a dog may be deemed to fall into another category for care. The number of dogs available in each category may change. It is possible that after further evaluation, one or more of the dogs currently in the categories listed below may require euthanization if it is determined that such euthanization is necessary to protect the public and other animals or if the guardian/special master determines that no suitable placement for a dog or dogs is available. The categories are as follows:

Foster Care/Observation: These dogs showed no sign of aggression or threat to either people or dogs. These dogs may be placed in experienced foster care homes where additional observation or rehabilitation can take place over six to twelve months. These dogs may (but may not depending on the dog's behavior in the foster care home), eventually be placed in appropriately screened homes. Sixteen dogs currently fall within this category.

Law Dog: These dogs have exhibited suitability for a specialized program for highly energetic and motivated dogs. With proper training, these dogs may be suitable for eventual placement with law enforcement agencies. Two dogs currently fall within this category. An organization requesting consideration for placement of a dog as a Law Dog must have an existing program in place for the training of the dog for law enforcement work.

Sanctuary 1: These dogs exhibit fear or a lack of socialization with people or other dogs. These dogs will be placed only in sanctuaries that can have more control over the dog's interaction with people and dogs. Some of these dogs may eventually move to a foster care program if they meet certain standards of behavior, but others may need to remain in the sanctuary environment for the lifetime of the dog. Twenty dogs currently fall within this category.

Sanctuary 2: During the initial evaluation, these dogs exhibited mild to intense threat to stimulus and may have shown high arousal towards people. These dogs will be placed only in sanctuaries with extensive breed experience or with organizations that can demonstrate the capacity to care for the special needs of these dogs. It may be possible for certain dogs within this category to move to a foster care program if they meet certain standards of behavior, but a sanctuary should be prepared to care for these dogs in the sanctuary environment for the lifetime of the dog. Ten dogs currently fall within this category.

The placement of dogs falling within the category of Sanctuary 1 and Sanctuary 2 are referred to collectively as “Sanctuary” placements and Rescue Organizations interested in the placement of dogs in those categories should make certain to complete the section of this application that specifically applies to those placements.

III. TYPE OF PLACEMENT

Please indicate the type of placement that your Rescue Organization can provide and the number of dogs you are willing to accept:

Foster Care/Observation ____ Number of Dogs: ____

Law Dog ____ Number of Dogs: ____

Sanctuary 1 ____ Number of Dogs: ____

Sanctuary 2 ____ Number of Dogs: ____

Please indicate the approximate number of dogs that the Rescue Organization has handled in the previous year:

Please indicate, of the dogs that the Rescue Organization has handled in the previous year, the approximate number or percentage of those dogs that are designated as American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers or mixes of any of the above:

Please attach a copy of your Rescue Organization’s adoption contract or agreement to the completed application form.

If your Rescue Organization has a written policy setting out your standards for care and placement of dogs, please attach a copy to the completed application form. If you do not have a written policy, please briefly describe your Rescue Organization’s selection process for adoptive homes:

IV. Rescue Organization Requirements

Pursuant to the court order from the United States District Court for the Eastern District of Virginia appointing the guardian/special master, the court set out certain minimum standards that a Rescue Organization must meet in order to be considered a potential organization for permanent placement of one or more dogs.

If a Rescue Organization does not meet ALL of the following standards, it is ineligible for consideration as an organization to take the dogs for permanent placement. Please make certain that your organization meets all of the following standards. You must be able to say “Yes” (or “Not Applicable” in the Placement of Sanctuary Dogs section) to each of the following as the guardian/special master does not have the authority to make any exceptions to the standards.

General Information

- A. Is the Rescue Organization a non-profit organization with section 501(c)(3) status under the Internal Revenue Code? Yes _____ No _____

- B. Has the Rescue Organization been in existence for at least three (3) years from the date of this application? Yes _____ No _____

Please attach the Rescue Organization’s Form 990s (if applicable) for the past three fiscal years to the completed application form.

Financial Information

- C. Will the Rescue Organization carry at least \$1,000,000 in general liability insurance at the time it takes custody of any dog? Yes _____ No _____

Please provide the following information regarding the Rescue Organization’s current general liability insurance.

- 1. Carrier Contact Information:
 - Name:
 - Address:
 - Telephone Number:
- 2. Policy Number:
- 3. Limits:

- D. Has the Rescue Organization carried general liability insurance on a consistent basis (at least for the last three years)? Yes _____ No _____

- E. The Rescue Organization understands that additional evidence (including but not limited to a copy of the insurance policy and supporting documents) of a Rescue Organization's general liability insurance coverage may be required by the guardian/special master prior to a dog's placement with that organization.
Yes _____ No _____

Indemnification and Publicity

- F. Will the Rescue Organization agree to hold harmless the United States, Department of Justice, U.S. Attorney's Office for the Eastern District of Virginia, guardian/special master, and Department of Agriculture, including their officers and employees, for any future death, injury, or other harm suffered by the organization (including its officers, employees, volunteers and other individuals working for or volunteering at such organization), caused by the dog or dogs or otherwise resulting from the placement of the dog or dogs with the organization.
Yes _____ No _____
- G. Is the Rescue Organization willing to execute an indemnification agreement indemnifying the United States, Department of Justice, U.S. Attorney's Office for the Eastern District of Virginia, guardian/special master, and Department of Agriculture, including their officers and employees, in the event that any suit is filed against the United States, Department of Justice, U.S. Attorney's Office for the Eastern District of Virginia, and Department of Agriculture, including their officers and employees, resulting from any future death, injury or other harm suffered by third parties caused by the dog or dogs or otherwise resulting from placement of the dog or dogs with the organization. Yes _____ No _____
- H. Does the Rescue Organization agree that no information may be disclosed or used for fund-raising purposes by the organization regarding the dog or dogs or the fact that the dog or dogs have been placed with the Rescue Organization? This prohibition would apply not only to the organization but also to its officers, employees, volunteers, and other individuals working for or volunteering at such organization. Yes _____ No _____
- I. Does the Rescue Organization agree that any information that the guardian/special master may provide to it about the dog or dogs during the placement process will be kept strictly confidential and the organization may not issue written or oral press releases, newsletters, announcements or other documents or correspondence with any of the information received from the guardian/special master during this process. These prohibitions apply not only to the organization but also its officers, employees, volunteers, and other individuals working for or volunteering at such organization. Yes _____ No _____

- a. Does the Rescue Organization understand and agree that the guardian/special master may arrange for a Rescue Organization to have access to a dog or dogs prior to final placement to determine whether the Rescue Organization is interested taking such dog or dogs. Any costs incurred in connection with such access will be the responsibility of the Rescue Organization.
Yes _____ No _____
- J. Does the Rescue Organization agree that the guardian/special master may prescribe additional confidentiality provisions relating to the placement of a dog or dogs with the Rescue Organization? These provisions would apply not only to the organization but also its officers, employees, volunteers, and other individuals working for or volunteering at such organization. Yes _____ No _____

Care of Dogs

- K. The Rescue Organization understands that it must meet Department of Agriculture standards for animal care found in the Animal Welfare Act, 7 U.S.C. § 2143, and implementing regulations found at 9 C.F.R. Chapter 1, Subchapter A-Animal Welfare, Part 3, Subpart A. Yes _____ No _____
- L. The Rescue Organization hereby grants authorization to the USDA Animal and Plant Health Inspection Service (“APHIS”) to review its facilities for compliance with the Animal Welfare Act. Yes _____ No _____
- M. The Rescue Organization agrees that APHIS will make a determination as to whether or not the Rescue Organization complies with the Animal Welfare Act and such determination is final. Yes _____ No _____
- N. The Rescue Organization agrees that it will be subject to site visits by the guardian/special master or her agents. Yes _____ No _____
- O. The Rescue Organization agrees that no dog will be placed in a jurisdiction that has a ban on the ownership of American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, Pit Bulls or mixes of any of the above.
Yes _____ No _____
- P. The Rescue Organization understands that it must be able to show to the satisfaction of the guardian/special master, whose decision will be final, that it can house the dog or dogs in a manner that will be safe for the dog or dogs, other animals and any person interacting with the dog or dogs. Yes _____ No _____
- a. The Rescue Organization understands that it must show that it has the ability to provide veterinary care to any animals under its care.
Yes _____ No _____

Please provide contact information for a veterinarian who can be a reference for your organization on this issue:

Name:
Telephone Number:
E-Mail Address:
Address:

- b. The Rescue Organization understands that the guardian/special master may require additional references. Yes _____ No _____
- c. The Rescue Organization understands that it must show that either its facility or any foster care home used for the dogs has adequate security measures in place to protect the dog or dogs from leaving the premises other than under the control of a responsible adult. Yes _____ No _____

Please briefly describe the security measures that your organization's facility or any foster care home would have in place to protect the dog or dogs from leaving the premises (for example, fenced yards or locked gates):

Placement of Sanctuary Dogs

In addition to the above requirements, if a Rescue Organization wishes to be considered for the placement of a Sanctuary dog or dogs, it must meet the following standards. If a Rescue Organization does not wish to be considered for placement of a Sanctuary dog or dogs, please check "Not Applicable" in this section

- Q. The Rescue Organization understands that it must be able to show to the satisfaction of the guardian/special master, whose decision will be final that it can provide lifetime care for the dog. Yes _____ No _____ Not Applicable _____
 - a. Does the Rescue Organization own the real property where the dog or dogs will be housed or otherwise can show that it has the capability to provide a secured location for the estimated lifetime of the dog or dogs?
Yes _____ No _____ Not Applicable _____
 - b. Does the Rescue Organization understand that it must show that it has experience dealing with dogs with special needs?
Yes _____ No _____ Not Applicable _____
 - c. Does the Rescue Organization understand that it must show that it has the administrative structure to manage the dog or dogs' care on an ongoing basis, including but not limited to the segregation of any funds allocated to the dog or dogs' care. Yes _____ No _____ Not Applicable _____

Does the Rescue Organization regularly provide lifetime care for any dogs?
Yes _____ No _____ Not Applicable _____

Please briefly describe the facility where any Sanctuary dog or dogs would be housed:

V. Other Issues

Please note the following issues will also be covered in any agreement transferring title to a dog or dogs to a Rescue Organization.

A. Restrictions on Further Disposition of Dogs

The Rescue Organization will be prohibited from transferring the dog or dogs to another rescue organization without the written consent of the United States Department of Agriculture.

B. Status of Officers and Employees

The agreement transferring title to a dog or dogs will contain a provision requiring the Rescue Organization to certify that no officers or employees of the organization have been convicted of a crime involving cruelty or neglect of animals or relating to animal fighting. Furthermore, the Rescue Organization will be required to certify that it has no knowledge that any of the active volunteers of that organization have been convicted of a crime involving cruelty or neglect of animals or relating to animal fighting.

C. Euthanization

The agreement transferring title to a dog or dogs will contain a provision restricting the ability of a Rescue Organization to euthanize a dog except for medical or health reasons (with the recommendation of a veterinarian) or if a dog exhibits certain stated behaviors that may indicate the dog could be a risk to humans or other animals.

D. Finances

Pursuant to a plea agreement in a related criminal case, an individual has agreed to pay for the lifetime cost of the care of the dogs at issue in this civil case. The amount to be assessed for this care has yet to be determined. It is possible, that there will be no funds available for the care of the dogs. It is likely that even if funds are available

for the care of a dog or dogs, there will be a gap between the date a Rescue Organization takes custody of a dog or dogs and the date any such funds are released to a Rescue Organization.

If a dog is transferred to a permanent adoptive home, the funds for the care of the dog shall be kept in a segregated account at the Rescue Organization. The Rescue Organization will then be required to disburse these funds for veterinary care and other stated expenses incurred for the care of the dog to the individual adopting the dog to the extent that such funds remain available.

Please attach to this application any additional information about your organization that you would like the guardian/special master to consider with the application.

By signing this application, the Rescue Organization understand and agrees that it has no legal right to obtain any dog and that the decision made by the guardian/special master over the placement of a dog or dogs is final.

Signed this __ day of _____, 2007

Rescue Organization's Name:

Name of Officer Signing on Behalf of Rescue Organization:

Title of Officer Signing of Behalf of Rescue Organization: