

EXHIBIT H –
Declaration of
Mary Hollingsworth

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENVIGO RMS, LLC,

Defendant.

Case No. 6:22-cv-00028-NKM

**AFFIDAVIT OF MARY HOLLINGSWORTH IN SUPPORT OF THE UNITED STATES' EX
PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER**

I, Mary Hollingsworth, hereby state as follows:

1. I represent the United States in the above-captioned case. I submit this declaration in support of the United States' Ex Parte Motion for a Temporary Restraining Order. I have personal knowledge of the facts stated in this declaration and, if called upon to do so, could and would testify competently thereto.

2. I am duly licensed to practice law in Arizona and am a Senior Trial Attorney in the Wildlife and Marine Resources Section of the U.S. Department of Justice's ("DOJ") Environment and Natural Resources Division. I have been employed by DOJ since 2011.

3. On May 18, 2022, law enforcement began executing a federal warrant at Envigo's Cumberland, Virginia facility ("Cumberland Facility"). The warrant authorizes law enforcement to search for and seize evidence of violations of the Animal Welfare Act ("AWA"), 18 U.S.C. § 371 (conspiracy to commit offense or to defraud the United States); 18 U.S.C. § 1001 (material false statements); and 18 U.S.C. § 1512 (witness tampering).

4. For the execution of the federal warrant, Dr. Samantha Moffitt is the Designated Lead Veterinarian and the Virginia Office of the Attorney General Animal Law Unit Investigator, Ann Taylor, is the lead building and enclosure assessor. I have spoken with Dr. Moffitt and Investigator Taylor about their observations of the Cumberland Facility on May 18, 2022. I have reviewed the evaluations of the enclosures assessed on May 18, 2022. I have also reviewed the veterinary intake examination forms and field examination forms for the dogs and puppies evaluated by Dr. Moffitt's team on May 18, 2022. In

addition, I have also reviewed all publicly available inspection reports prepared by the United States Department of Agriculture's Animal and Plant Health Inspection Service ("APHIS") inspectors for Envigo's Cumberland Facility.

5. APHIS has previously noted on inspection reports that, when dogs have been injured after being attacked by dogs in adjacent kennels, Envigo euthanized the dogs "however substantial or minor" the injury. *See* Ex. B at 7; Ex. C at 8 ("regardless of whether [the injury] was a minor or substantial" one, the dogs were euthanized).

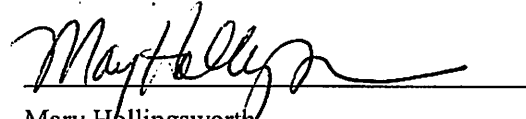
6. On May 18, 2022, Dr. Moffitt determined that 145 dogs at the Cumberland Facility were in acute distress and should be seized pursuant to the warrant. Dr. Moffitt's team also identified numerous other dogs and puppies with veterinary needs. Those dogs and puppies shall remain at the Cumberland Facility. If Envigo again euthanizes dogs and puppies rather than providing them adequate veterinary care, there will be irreparable harm to the United States because those animals will no longer be accessible and there may be no accurate and complete recording of the disposition of the animal. *See* Ex. B at 4-5, 13-14; and Ex. C at 5-6, 13-14; *see also* Ex. D at 20-21.

7. Envigo has been cited for numerous recordkeeping violations, including for failure to have complete and accurate acquisition, disposition and mortality records. *See* Ex. B at 4-5, 12-14; Ex. C at 5-6, 13-15; Ex. D at 6. For example, Envigo staff disclosed that a newborn puppy had been found in a drain in mid-October 2021 and subsequently died. Ex. C at 5-6. Envigo failed to create and maintain an acquisition record for the puppy's birth or a disposition record for the puppy's death. *Id.* Thus, there was no record that this puppy ever existed. Absent a court order requiring Envigo to document births, deaths, and medical conditions, Envigo will not create and maintain accurate and complete records that will allow the United States to identify new and continuing AWA violations at the Cumberland Facility.

8. No efforts have yet been made by the government to give notice prior to seeking this TRO. Based on the nature of the criminal investigation and Envigo's history of violating the AWA, the United States urges the Court not to require notice of the government's motion for temporary restraining order and to enter a restraining order before law enforcement leaves the Cumberland Facility on or around May 22, 2022.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 19th day of May, 2022.

A handwritten signature in black ink, appearing to read "Mary Hollingsworth", is written over a horizontal line.

Mary Hollingsworth
Senior Trial Attorney
U.S. Department of Justice