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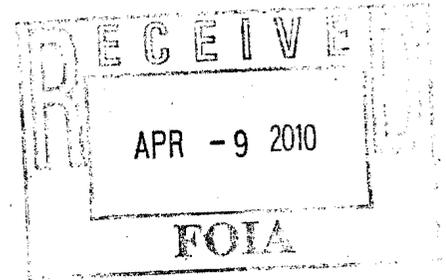
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*Reggie*  
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*Courtesy Williams*  
*EV 4/12/10*

April 9, 2010

*By Facsimile*

Animal and Plant Health Inspection Service  
Director, Freedom of Information and Privacy Act Staff  
4700 River Road, Unit 50  
Riverdale, MD 20737  
Fax: (301) 714-5941



**Re: FOIA Request**

MAY 6 2010

Dear Director:

The Companion Animal Protection Society ("CAPS"), through its undersigned pro bono counsel, requests that the following information be provided to it pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the Department of Agriculture (the "Department") regulations implementing FOIA, 7 C.F.R. Part 1:

- The contents of any and all files maintained by the Department's Animal and Plant Health Inspection Service ("APHIS") relating to facilities in the State of Minnesota or elsewhere associated with Kathy Jo Bauck and Allen Bauck, or any operating alias for those facilities, including, but not limited to, Puppy's on Wheels, Puppies on Wheels, Pick of the Litter, and Pine Lake Enterprises. Such contents should include, but not be limited to: any application for a license or license transfer; copies of any licenses issued, including, but not limited to, Animal Welfare Act License Number 41-B-0159; renewal applications and decisions relating thereto; revocation, termination or denial decisions and documents relating thereto; and any documents relating to Animal Welfare Act inspections and investigations of those facilities, including inspection reports and drafts thereof.
- All departmental (*i.e.*, within the Department, including APHIS) records (*e.g.*, written or e-mail correspondence, memoranda, notes of any kind, etc.) relating to Kathy Jo Bauck, or facilities associated with her, that are not otherwise provided in response to the above request.

APHS FOIA Request  
April 9, 2010  
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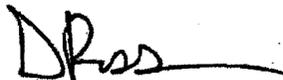
The Department need not provide copies of Animal Welfare Act Docket Numbers D-09-0139 and D-10-0014. We have requested copies of certain documents within those dockets through the Hearing Clerk's Office within the Office of Administrative Law Judges. If we are unable to obtain full copies of the documents we seek from the Hearing Clerk's Office, we will revise this FOIA request accordingly.

If you determine that any portion of the requested information qualifies for withholding under an exemption to the FOIA disclosure requirements and that such information is not to be made available through discretionary release, we request prompt release of all reasonably segregable information. For all information withheld from release, we respectfully request that you: (1) identify the withheld information; (2) indicate the FOIA exemption under which the information is being exempted; and (3) explain the application of the exemption to the withheld information.

Finally, we are seeking a waiver of the fees associated with this request under 7 C.F.R. Part 1, Appendix A § 6(a). CAPS is a not-for-profit entity that is dedicated to protecting companion animals from acts of cruelty and abuse in pet shops and puppy mills across the country. The information we seek would contribute significantly to the public understanding of the federal licensing procedures under the Animal Welfare Act and its implementing regulations. It will be used to assist in the development of new and revised regulations and policies that will help ensure that the congressional mandates of the Animal Act are appropriately implemented by the Department. As a result, disclosure of the requested information would be in the public interest and would not further any commercial interest. Accordingly, this request qualifies for a fee waiver pursuant to 7 C.F.R. Part 1, Appendix A § 6(a). If the Department disagrees, we respectfully request that you contact us at your earliest convenience to discuss this issue.

Thank you for your prompt attention to this matter. If you have any questions, please contact me at (202) 624-2682 or [dross@crowell.com](mailto:dross@crowell.com).

Sincerely,



David P. Ross

Counsel to  
The Companion Animal Protection Society

cc: Dr. Gerald L. Rushin, USDA APHIS



**FACSIMILE COVER PAGE**

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM, OR ENTITY TO WHICH, IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the address listed above via the U.S. Postal Service.**

Thank You

**FAX TELEPHONE NUMBER: (202) 628-5116**

**Date: April 9, 2010**

**To: Director, Freedom of Information and Privacy Act Staff**

**Firm: Animal & Plant Health Inspection Service**

**Facsimile Telephone Number: 301-734-5941**

**Total Number of Pages (*Includes Cover Sheet*): 3**

**From: David Ross Telephone Number: 202-624-2682**

**UserID: 142 Cam Number: 099401.0000910 Fax Job Code: \_\_\_\_\_**

**Hard Copy to Follow:  Yes  No**

**Message: Please see attached.**

Katy E  
Vagnoni/MD/APHIS/USDA  
04/12/2010 01:11 PM

To courtney.wilkerson@ascr.usda.gov  
cc  
bcc  
Subject FOIA request

I have attached a FOIA request for your review. See second bullet on the request regarding departmental records.



Untitled.pdf  
Thank you,  
Katy Vagnoni  
Assistant Director  
United States Department of Agriculture  
Legislative and Public Affairs  
Freedom of Information & Privacy Act Staff  
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