

Gregory M. Dennis
Admitted in Kansas & Missouri

KENT T. PERRY
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Attorneys and Counselors

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Freedom of Information Act Coordinator
Animal & Plant Health Inspection Services
Legislative & Public Services
United States Department of Agriculture
4700 River Road, Unit 50
Riverdale, Maryland 20737-1231

Animal & Plant Health Inspection Serv.
U.S. Department of Agriculture
6501 Beacon Drive
Kansas City, Missouri 64133-4671

Re: **City of Topeka, Kansas, Zoological Park a/k/a Zoo a/k/a City of Topeka-Zoo; USDA-APHIS Customer ID 4087; USDA-APHIS Certificate 48-C-0003; Giraffe (*giraffa camelopardalis*) "B.G." & calf**

FREEDOM OF INFORMATION ACT REQUEST

Dear Sir / Madam:

On behalf of our client, **Dr. Stanley M. Dennis, B.V.Sc., Ph. D., F.R.C.V.S., F.R.C. Path., Dipl. A.C.T., F.A.C.V.Sc.**, this letter is a **Freedom of Information Act, 5 U.S.C. § 551 et seq. / 7 C.F.R. § 370.1 et seq. ("FOIA")**, requesting the United States Department of Agriculture, Animal & Plant Health Inspection Service ("**USDA-APHIS**")¹ for production, inspection and copying of:

1. All documents (paper, electronic and/or otherwise) from and/or provided by the **City of Topeka, Kansas**², to USDA-APHIS pertaining to, concerning, mentioning and/or consisting of, in whole or in part, of **City of Topeka Zoo, (a/k/a Topeka Zoological Park)** veterinary medical records, drug records (OTC, legend drugs, veterinary legend drugs, controlled substances, off-label drug use a/k/a extra-label drug use) laboratory reports, tissue submissions, tissue sample reports, pregnancy test results reports, radiological reports, ultrasound reports, MRI reports, necropsy reports, post-mortem reports, histopathology reports, consulting veterinarian reports, telemedical reports, e-veterinary medical reports, e-mails and **MedARKS** entries for the **City of Topeka Zoo's giraffe (*giraffa camelopardalis*) commonly known as "B.G" and/or her calf** from May 1, 2009³ to present *inclusive*.

2. All documents (paper, electronic and/or otherwise) from, to and/or between **USDA-APHIS** and the **City of Topeka** pertaining to, concerning and/or mentioning, in whole or in part, **USDA-APHIS Animal Care Resources Guide Policy # 22: Necropsy Requirements** in connection with the **City of Topeka Zoo** giraffe commonly known as "**B.G**" and/or her calf.
3. All documents (paper, electronic and/or otherwise) provided by the **City of Topeka** to **USDA-APHIS** pertaining to, concerning and/or mentioning, in whole or in part, the **City of Topeka Zoo**' interim veterinarian's (**Joseph "Joe" Kamer, D.V.M.**) necropsy experiences with giraffes (*giraffa camelopardalis*) pre-dating August 13, 2010.
4. All documents (paper, electronic and/or otherwise) from, to and/or between **USDA-APHIS** and the **City of Topeka** pertaining to, concerning and/or mentioning, in whole or in part, **USDA-APHIS Animal Care Resources Guide Policy # 3: Veterinary Care** in connection with the **City of Topeka Zoo**'s giraffe commonly known as "**B.G**" and/or her calf.
5. All documents (paper, electronic and/or otherwise) from, to and/or between **USDA-APHIS** and the **City of Topeka** pertaining to, concerning and/or mentioning, in whole or in part, **9 C.F.R. § 2.40** in connection with the **City of Topeka Zoo**' giraffe commonly known as "**B.G**" and/or her calf.
6. All documents (paper, electronic and/or otherwise) from, to and/or between **USDA-APHIS** and the **City of Topeka** pertaining to, concerning and/or mentioning, in whole or in part, any **City of Topeka Zoo** zookeeper and/or zoo volunteer⁴ daily reports, notes, e-mails, twitter and/or blogs from May 1 to August 13, 2010 *inclusive*, for the **City of Topeka Zoo**'s giraffe commonly known as "**B.G**" and/or her calf.
7. All photographs, slides, videos, films, x-rays, ultrasounds and MRI images from May 1, 2009 to August 20, 2010 *inclusive* provided or caused to be provided by the **City of Topeka** to **USDA-APHIS** of the **City of Topeka Zoo**'s giraffe (externally and internally) commonly known as "**B.G**" and/or her calf (externally and internally).
8. All documents (paper, electronic and/or otherwise) from, to and/or between the **City of Topeka** and **USDA-APHIS** pertaining to or concerning, in whole or in part, any veterinary articles, books, chapters, websites, veterinary medical blogs and/or twitters about any aspects of giraffe pregnancies and/or giraffe pregnancy complications, read or reviewed by the **City of Topeka Zoo**'s interim veterinarian (**Joseph "Joe" Kamer, D.V.M.**) at any time on and between June 1, 2010 to August 13, 2010, *inclusive*, in connection with **Joseph "Joe" Kamer, D.V.M.**'s care and/or treatment of the **City of Topeka Zoo** giraffe commonly known as "**B.G**" and/or her calf.

9. All documents from, to and/or between the **City of Topeka** and **USDA-APHIS** pertaining to, concerning and/or mentioning any communications and/or consultations (whether in-person; by fax, e-mail, blog or twitter; telephonically and/or electronically *etc.*) undertaken by the **City of Topeka Zoo's** interim veterinarian(**Joseph P. Kamer, D.V.M.**) with any other veterinarian, at any time on and between June 1, 2010 to August 13, 2010, *inclusive.*, about any aspect of giraffe pregnancies and/or giraffe pregnancy complications in connection with the **City of Topeka Zoo's** giraffe commonly known as "**B.G**" and/or her calf.
10. All documents (paper, electronic and/or otherwise) from, to and/or between the **City of Topeka** and **USDA-APHIS** pertaining to or concerning, in whole or in part, any documents (paper, electronically stored and/or otherwise) from, to and/or between the **City of Topeka Zoo** and **Kansas State University, College of Veterinary Medicine**⁵ and/or any other school or college of veterinary medicine, and/or any zoo or zoological facility on and since April 1, 2010 to present *inclusive* concerning or pertaining to the **City of Topeka Zoo's** giraffe commonly known as "**B.G**" and/or her calf.
11. All documents (paper, electronic and/or otherwise) from, to and/or between the **USDA-APHIS** and **Kansas State University, College of Veterinary Medicine**, from June 1, 2010 to present *inclusive*, pertaining to, concerning or mentioning in whole or in part, the **City of Topeka Zoo's** giraffe commonly known as "**B.G**" and/or her calf.
12. All documents (paper, electronic and/or otherwise) from, to and/or between the **USDA-APHIS** and any college or school of veterinary medicine (excluding Kansas State University) and/or zoo or zoological facility, from June 1, 2010 to present *inclusive*, pertaining to, concerning or mentioning in whole or in part, the **City of Topeka Zoo's** giraffe commonly known as "**B.G**" and/or her calf.

Please supply the requested information, records, documents (paper, electronically stored and/or otherwise) and photographs, videos and/or images without informing me of the cost if the fees do not exceed **\$50.00**, which I agree to pay.

If **USDA-APHIS** denies any part of this request, please cite each specific reason **USDA-APHIS** justifies its refusal to release the information, records, documents, e-mails, blogs, twitters (paper, electronically-stored and/or otherwise). Also, please notify me of the appeal procedures available under the law.

Please do not hesitate to contact me at **913-498-1700** and/or **gdennis@ktplaw.com** if you have any questions whatever about this **FOIA** request.

Thank you,

KENT T. PERRY & CO., L.C.

Gregory M. Dennis

GMD/gd

cc: S. Dennis [Via E-mail]

FOOTNOTES

¹ For purposes of this *FOIA* request the **United States Department of Agriculture, Animal & Plant Health Inspection Services** (a/k/a "USDA-APHIS"), includes any employee, agent, but not limited to, Natalie R. Cooper, D.V.M., V.M.O., Michael Tygart, Katheryn "Kate" Ziegerer, D.V.M., records custodian, records coordinator, archivist, investigator, appointed-official, official, officer, director, manager, veterinarian, veterinary medical officer, veterinary medical officer inspector and/or veterinary technician.

² For purposes of this *KORA* request the **City of Topeka, Kansas**, includes any employee (present or former), agent, official, city council member, records custodian, records coordinator, official custodian, archivist, elected-official, appointed-official, officer, director, assistant director, manager, assistant manager, veterinarian, interim veterinarian, acting veterinarian, Joseph "Joe" Kamer, D.V.M., veterinary technician and including William W. Bunten, a/k/a Bill Bunten, Mayor; Norton N. Bonaparte, Jr., City Manager & CEO; Randy Speaker, Assistant City Manager; Dennis Taylor, Performance Coordinator and/or Interim Zoo Director; David Bevens, Communications Manager; Jacque Russell, Human Resources Director; Michael "Mike" Coker, City Zoo Director; Brendan Wiley, City Zoo Director, Merle Miller, General Curator, City Zoo, Terry Gingrich, Operations Manager, City Zoo, Dennis Maxim, Business Manager, City Zoo; and/or Fawn Moser, City Zoo.

³ The normal gestation period for a giraffe is approximately 457 days (fifteen-months). Consequently, dating back from the date of death (Friday, August 13, 2010), would result in May, 2009.

⁴ Names and personally identifying information of **City of Topeka** zookeepers or volunteers are not requested and **can be redacted**.

⁵ For purposes of this *FOIA* request **Kansas State University, College of Veterinary Medicine**, includes any employee (including, but not limited to, Gordon Andrews, D.V.M., Ph. D., Dipl. ACVP; Brad Debey, D.V.M., Ph. D., Dipl. ACVP; James "Jim" W. Carpenter, M.S., D.V.M., Dipl. ACZM; and Gary West, D.V.M., Dipl. ACZM), agent, official, officer, director, dean, associate dean, assistant dean, department head, veterinarian, professor, assistant professor, associate professor, instructor, faculty member and/or records custodian thereof and the Veterinary Diagnostic Laboratory at Kansas State University.