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individual

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April 19, 2011

Tonya Woods, FOIA Officer
Freedom of Information Act (FOIA) Request
Animal and Plant Inspection Service
4700 River Road, Unit 50
Riverdale, MD 20737

VIA ELECTRONIC MAIL TO: FOIA.OFFICER@APHIS.USDA.GOV

Re: Request for Expedited FOIA Processing and Records

Dear Ms. Woods:

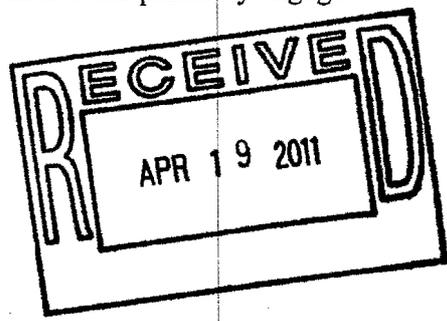
On behalf of PETA and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the accompanying United States Department of Agricultural ("USDA") regulations, 7 C.F.R. §§ 1-1.9, I respectfully ask that the USDA expedite processing of this request and produce the following records related to James M. Casey d/b/a A Great Ape Experience (4835 W. Robindale Rd, Las Vegas), USDA License No. 321798, dated between January 1, 2011, and the date this FOIA request is processed:

- All records related to the cancellation of USDA License No. 321798, including the specific terms of cancellation.
- All records concerning or relating to USDA inspections of A Great Ape Experience (GAE).
- All records concerning the disposition of any animals used by (GAE).

For the purpose of this request, "records" includes, but is not limited to: inspection reports, notices of noncompliance, citations, letters, correspondence, memoranda, briefings, facsimiles, emails, notes, telephone messages, transcripts, declarations, images, illustrations, assessments, reports, photographs, video footage, and all other documents.

This request meets the criteria for expedited processing under 7 CFR § 1.9(b)(2), as there is "[a]n urgency to inform the public about an actual... federal government activity . . . made by an individual primarily engaged in disseminating information"

MAY 17 2011



PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
FOUNDATION

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100% VEGAN
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SUPPORT ANIMAL PROTECTION

Urgency to Inform the Public Regarding the Cancellation of A Great Ape Experience's Permit.

According to the USDA's website, on or about April 7, 2011, GAE exhibitor license was cancelled. The USDA's actions as well as its findings which resulted in USDA's cancellation of GAE's permit are of vital public interest and the public—including local law enforcement—must be immediately informed.

There is public interest in the humane care of animals and ensuring that the provisions of the Animal Welfare Act (AWA) as well as state and local laws are followed. Here, although GAE's exhibitor permit has been cancelled, urgency exists because, to our knowledge, three chimpanzees and a capuchin monkey are still being held by GAE in appalling and cruel conditions¹ in likely violation of state and local ordinances regarding the treatment and housing of animals. Evidence gathered by the USDA during recent inspections and the circumstances surrounding the cancellation of GAE's exhibitor permit would likely assist local law enforcement in performing their official duties and investigating compliance with state and local laws. In fact, USDA routinely relies on local and state animal protection agencies to act where it cannot. However, for local agencies to act promptly and efficiently, information surrounding the cancellation of GAE's exhibitor permit and the status of the animals is essential.

Without receiving the requested information on an expedited basis, members of the public to whom this information will be disseminated, including law enforcement, may lose the ability to act swiftly to help prevent any further violations of state and local laws by GAE or Casey and to protect the animals used by GAE.

For Over 30 Years PETA Has Primarily Engaged in Disseminating Information Concerning Animal Protection to the Public

Since its founding in 1980, PETA has been, and continues to be, primarily engaged in the charitable work of gathering and disseminating information to the public regarding animal

¹ Specifically, according to an eyewitness some of the abhorrent conditions at GAE include the following:

- James Casey (Casey), the owner and operator of GAE, keeps an isolated baby chimpanzee covered in urine and feces and confined for up to eighteen hours every day in a baby crib modified with a locking top that does not even allow him stand upright.
- Casey permanently stores two chimpanzees in solitary confinement in cages covered in feces inside a dark, unventilated truck in temperatures up to and exceeding 100 degrees.
- Casey has punched the chimpanzees he uses for exhibits in the head with great force, thrown hot water on them, and hit them with a rod covered with black electrical tape that was approximately 2 1/2 feet long and about an inch thick.

A veterinarian with more than forty years of experience providing husbandry and veterinary care to primates and other captive wild animals has reviewed the eyewitnesses account and concluded that it indicates that the animals at GAE "are in urgent need of rescue" and their conditions "can only be characterized as unnecessary cruelty."

protection issues, specifically including the mistreatment of animals in zoos, pseudo-sanctuaries, marine parks, traveling zoos, roadside zoos, and other similar exhibitors such as GAE. PETA disseminates information regarding animal protection to hundreds of thousands of people daily through a wide variety of media, including:

- Its websites, including www.peta.org with approximately 100,000 visitors, *daily*;
- PETA Files blog, <http://blog.peta.org>, which averages 10,000 visitors, *daily*;
- Its e-news that reaches over 500,000 subscribers;
- Its youth outreach campaign e-news service that reaches over 430,000 subscribers;
- Its "Animal Times," a quarterly print magazine, which has a worldwide circulation of over 410,000 and discusses current animal protection topics;
- Its daily press releases about animal protection issues, to major local, state, national, and international media outlets.

PETA also routinely shares information with state and local law enforcement to assist in the enforcement of animal protection laws.

PETA is a non-profit public interest organization and as such PETA requests that all fees be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). PETA has no commercial interest in the requested information, and its disclosure will contribute significantly to the public's understanding of the USDA's administration of the AWA. Further, it is in the public's interest to be informed about agency actions, especially when it may assist local law enforcement in preventing violations of state or local laws. For these reasons, the USDA has routinely granted PETA a fee waiver. However, should you need additional information to process this request for a fee waiver, please let me know as soon as possible.

I certify that the statements contained in this letter regarding the alleged activity and public concern are true and correct to the best of my knowledge.

Very truly yours,

Lindsay A. Waskey



Lindsay Waskey
<lindsayw@petaf.org>
04/19/2011 04:30 PM

To "foia.officer@aphis.usda.gov" <foia.officer@aphis.usda.gov>
cc
bcc
Subject Expedited FOIA Request (4/19/11)

Ms. Woods:

Please see the attached Request for Expedited FOIA Processing and Records.

Regards, -

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