

*You have the power
to help stop
Anti-Canine Legislation*

AMERICAN DOG BREEDERS ASSOC. WWW.ADBA.CC



Forward this alert to all dog owners one person CAN make a difference. One plus one plus one plus one plus one plus one.....

We have the place, we have the date and we have the experts to make our case against the breed ban Aurora Colorado passed on **American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, Presas, American Bull Dogs, Dogo Argentinos, Tosas, Canary Dogs, Fila Brasileiros, Cane Corsos and the Presa Mallorquin.**

A three day trial is set to commence on
Monday, August 25, 2008, at 9:00 a.m.

\$15,000 is needed for lawyers and experts to make this happen!

[Please help us overturn this Law by making a donation Today!](#)

[Click here to donate now!](#)

If you choose to remain uninvolved, do not be amazed when you no longer have any property rights! Your rights, taken away while you are peacefully staying out of the "fray". If they can do this to your dog, is anything you have out of their reach? Check history, it is full of nations/empires that disappeared when its citizens no longer held their core beliefs and values.

The American Dog Breeders Association has pledged to match the first \$5000.00 donated, dollar for dollar

AURORA BSL LAWSUIT COURT DATE

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-01510-WYD-BNB

AMERICAN CANINE FOUNDATION; and FLORENCE VIANZON,

Plaintiffs,

v.

CITY OF AURORA, COLORADO,

Defendant.

MINUTE ORDER

ORDER ENTERED BY JUDGE WILEY Y. DANIEL

In light of the filing of the Amended Pretrial Order, this case is now at issue and ready to be set for trial. A three (3) day trial to the Court is set to commence on

Monday, August 25, 2008, at 9:00 a.m.

Aurora - 5/29/08 - The city of Aurora's pit bull ban will now be challenged in federal court. A district court judge cleared the way for the courtroom drama, which is scheduled for Aug. 25. The lawsuit, filed by the American Canine Foundation, alleges there is no statistical proof that the ban enhances public safety. "There's no evidence at all that any breed of dog is more vicious than any other breed of dog," said Sonya Dias, who filed a similar suit against the city of Denver. Her suit was later dismissed. Aurora city attorney Charlie Richardson said the city is not taking this lightly. He said Aurora looks forward to proving, through proper evidence and testimony, that pit bulls represent an enhanced threat. In a partial summary judgment order dated May 29, Colorado District Judge Wiley Daniel responded to five separate claims filed against the city of Aurora by Florence Vianzon and the American Canine Foundation. In the order, Daniel found reason to hear arguments for two of the plaintiffs' five claims against the city, specifically which the current ban does not have a legitimate purpose and that it fails to properly compensate an owner for "property seized."

<http://www.thedenverchannel.com/7newsteam/5347714/detail.html>

In Colorado we are now in front of a federal judge who ignored the Tellings Ohio Supreme Court decision and ignored the federal case in California which has no published opinion, even though Aurora tried to cite it in early briefs they filed.

The American Dog Breeders Association is asking for your support! The estimated amount to take this trial to it's conclusion in Federal court is estimated to be \$15000.00 dollars.

Please remember the American Dog Breeders Association has pledged to match the first \$5000.00 donated, dollar for dollar, so your donation no matter how small, will have double in effect.

All donators will be listed on our website unless otherwise requested; however their donation will still be matched, if it is among the first five thousand dollars donated.

This is not the one to "sit out" as this is the first and maybe the only time where the city being sued failed to provide experts and evidence on their behalf. There has never been a constitutional challenge filed over breed specific legislation where the other side has no experts, no exhibits and failed to disclose rebuttal experts. Given the data bases and experts the American Canine Foundation named during discovery, Aurora stands no chance. It is a once in a lifetime chance to get a federal ruling in our favor.

Please send your donations funds to:

American Dog Breeders Association

Aurora Colorado BSL Lawsuit Fund

P.O. Box 1771

Salt Lake City, Utah 84110

Or

[Click here to donate now!](#)

Here is more information from the ACF attorney:

<http://www.thedenverchannel.com/news/16440132/detail.html?rss=den&sp=news>

In late 2006, the American Canine Foundation and Plaintiff Florence Vianzon brought a civil constitutional challenge against Aurora Colorado to challenge the breed ban Aurora passed **on American Pit Bull Terriers, Staffordshire Terriers, Staffordshire Bull Terriers, Presas, American Bull Dogs, Dogo Argentinos, Tosas, Canary Dogs, Fila Brasileiros, Cane Corsos and the Presa Mallorquin.** The Aurora city council appeared to be getting information from Denver re the ban.

The case made its way through Colorado Federal Court during 2007 and in the 'discovery' phase of the case, Aurora declined to disclose expert witnesses or exhibits, as apparently Aurora believed the case would not get to trial.

They likely assumed the case would be dismissed on the 'summary judgment' they filed asking the court to dismiss the lawsuit based on previous case law, involving constitutional challenges, such as the Colorado Dog Fanciers case (from 1989) and more recently, the politically influenced Tellings decision from the Ohio Supreme Court, which did no justice at all to dog owners.

The Colorado Federal Court Judge refused to accept such previous constitutional challenges standing alone, with no other required specific evidence, and found

"Unlike the above referenced cases, no evidence or facts have been presented as to why the Aurora City council believed that the ordinance was necessary to protect the safety of its residents."

"(The) defendant Aurora presented no evidence to support its argument that the ordinance was rationally related to a legitimate governmental purpose."

(Emphasis added)

To the best of our knowledge, there has never been a constitutional challenge filed over breed specific legislation where the opposing governmental side did not disclose experts, did not disclose any exhibits and also did not disclose rebuttal experts. Given the data, other information, and experts that Plaintiff American Canine Foundation disclosed for the Plaintiff's case, Aurora will ostensibly be at a disadvantage since they

purposely did not try and offer any evidence on their own behalf.

ACF was successful in Ohio in the Tellings case when the Sixth District Court of Appeals ruled that breed specific legislation violates equal protection, substantive due process, and procedural due process, however because of political corruption from animal rights type organizations, the Ohio Supreme Court failed to rule on the evidence in the case, ignored documented evidence tampering and, except for one justice the court, supported breed specific legislation on the ground that certain breeds present a danger in urban areas?

The Federal Court in the current case re the Aurora, CO breed ban---gives us dog owners the best chance of prevailing over BSL in 20 years, because

- (a) Laws are passed without a valid rational basis
- (b) Cases from 20 years ago were not challenged sufficiently to overcome the standard of law required in a health and safety legal challenge
- (c) Government/the public prefer to penalize innocent dog owners and innocent dogs by saying that the safety of the public is "protected" so they can seize innocent dogs, fine owners, and still ignore the actual dangerous dogs--which could be ANY breed of dog- AND---by not enforcing their own dog-related laws (such as leash laws.)

This is easily proven by watching countless SMALL dogs OFF LEASH everywhere, and by Animal control doing little or nothing about dogs that actually bite people. Coupled with the sensationalism of the media, even if there were only 5 dogs of any banned breed living in a city, those 5 dogs supposedly cause more danger than ALL the other dogs in the city combined. That is NOT a rational basis for anything, much less a purported law claiming "safety."

Carolyn Chan, Esq.
for American Canine Foundation

Due to the time sensitive nature of some of these alerts, if you have an email address and would like us to alert you to any adverse canine/animal laws that may affect you; please email us at adam@adba.cc and we will list your email address in our files.

BE SURE TO KEEP YOUR EMAIL ADDRESS UPDATED FOR THE LATEST INFORMATION ON ANY ALERTS!