Declaration of Dr. Penelope Johnson, DVM

1. I willingly submit the following statement and supporting information in regard to the veterinary care, health, and wellbeing of the lions and tigers exhibited at Jim's Lion and Tiger Cub Petting (JLTCP). For the purposes of this report, "big cats" shall include lions and tigers.

2. I am a doctor of veterinary medicine currently practicing in New York City.

3. I have a roving practice in which I work with and provide humane care to captive wildlife around the country. At present, I care for approximately 25 lions and tigers, having cared for some 150 over the course of my 27 years as a veterinarian. I have been the attending veterinarian, within the meaning of the Animal Welfare Act, for six USDA-licensed facilities housing big cats during those 27 years. I am experienced in all aspects of veterinary care for big cats, including performing reparative surgery to their declawed paws, and providing adequate comprehensive veterinary care, including in the areas of neonatal care, nutrition, enrichment, and housing.

4. In addition to my veterinary work, I started the Claw Project in 2002, a nonprofit that rehabilitates big cats such as lions, tigers, cougars, jaguars, and even domestic cats maimed by declawing. I have participated in programs and activities to educate the public about the physiological and behavioral effects of feline declawing.

5. I am compensated at a rate of $200 per hour.

Methodology

6. When performing a veterinary examination of an animal, I base my assessment on observations of the animal and their environment. Performing a visual examination for zoo animals is often done non-invasively and relies heavily on observation. The physical exam includes the signalment (species, age, weight, sex, identification), a history including known disease conditions, medications, vaccinations, diet, weight history, food and water intake, fecal and urine output, and any other information regarding presenting concerns. The subjective, objective, assessment, and plan (SOAP) exam format, upon which I have relied here to the extent appropriate, is commonly used by veterinarians. It has widespread acceptance in the veterinary medical field and is a reliable method for evaluating animal health.

7. In this litigation, it was not possible to perform a full and complete veterinary examination on the big cats at issue. Rather, I have reviewed extensive video, photographic, and record evidence of the JLTCP facility and the big cats, including but not limited to the records produced by JLTCP, video from a site inspection of JLTCP that I also attended in-person, and the sworn deposition testimony of witnesses in this case.

8. I am able to formulate opinions in this case to a reasonable degree of scientific certainty. As described below, it is my opinion that JLTCP's declawing of big cats has created a likelihood of injury to the big cats in their possession by disrupting their normal behaviors, have actually injured the big cats, and has contributed to the deaths of two big cats.

Summary of Opinions

9. JLTCP declaws big cats for reasons unrelated to medical necessity. This wounds them by cutting skin, connective tissue, tendons, nerves, and blood vessels, and amputates each digit at the distal phalanx, in violation of the applicable standards of care outlined in this report.

10. The foregoing deficiencies wound or injure the big cats or create a high likelihood of injury resulting from disruption to their normal behaviors. In two instances, the deficiencies have killed big cats.

Opinions on JLTCP's Declawing

11. JLTCP's declawing of big cats is not a generally accepted practice of animal husbandry and violates the standard of veterinary care for the treatment of big cats.

12. Declawing is a surgical procedure, also called onychectomy, in which the animal's distal phalanges are partially or fully permanently amputated. Declawing is a common procedure with respect to domestic cats; there are no available statistics on the prevalence of declawing among big cats. Regardless, the essential anatomy and procedures are essentially the same. Declawing is more accurately described as "deknuckling." In humans, the nails grow from the skin, but in cats, claws grow from the bones, thus necessitating removal of all or part of the third phalanx, or p3. When domestic or big cats are declawed, the last bone of each of their digits is fully or partially amputated so the claw cannot regrow. In addition to the bone, the tendons, nerves, blood vessels, and ligaments that enable normal function and movement of the digit are severed, as are the blood vessels.

13. While the amputation of healthy bones—declawing—constitutes an immediate, unnecessary, and severe injury and some animals will have immediate complications from the procedure, it may be many months or years before other effects caused by the damage of declawing become obvious. It is my opinion that declawing these big cats likely will result and has already resulted in permanent lameness, arthritis, abnormal standing conformation, and other long-term complications.

14. Big cats normally walk with the distal interphalangeal joint bearing the weight of their bodies; each step is cushioned by the digital pad under this joint. The third phalanx, p3, sits up against the second phalanx, p2, so that the cat doesn't walk on the claw itself. The cat can therefore walk almost silently and when it needs its claws, they are sharp. In my opinion, declawed big cats have the potential to suffer lifelong severe pain. Indeed, domestic cats are declawed in clinical trials for pain studies precisely because declawing is known to cause severe pain.

15. Declawing has no benefit for the cat. It is the unnecessary amputation of each distal phalanx (toe bone) in big cats' paws. It is a nontherapeutic, elective surgery and is most-often performed as a misguided management tool in hopes of "disarming" the cat. Neither the convenience of the owner, nor the monetary capability of the owner to pay for declawing, ever constitutes medical necessity. (In contrast, phalangectomy, the necessary surgical removal of the toe bone to correct anatomical morbidity and pathology in the toe, is done only on an as-needed, per-digit basis. For example, a big cat might present with a nail bed tumor or irreparable traumatic injury to the digit, and removal of the toe bone would benefit the well-being of the cat.)

16. JLTCP personnel, who I do not understand to have any meaningful animal behavioral or veterinary expertise, testified to their personal observations that declawed big cats are not at any disadvantage when housed jointly with big cats whose claws remain intact. In my experience, this is false. Big cats know when they are missing their claws, and accordingly they do not defend themselves by swiping. A big cat’s ability to swipe is its primary defense mode; swiping allows a big cat to keep another big cat away, at arm’s length. When the claws are removed, the big cat’s defense mechanism is to resort to biting, which means the animal’s head

has to go in toward the aggressor big cat, thereby putting the declawed big cat at a clear disadvantage by making the animal's body, including the head and neck, in close proximity to the aggressor, and therefore becoming more vulnerable to serious injury. Additionally, big cats mask pain, including the pain that results from the morbid sequelae of declawing.

17. Declawing big cats is an irreversible procedure that permanently removes all or part of the distal phalanx and severs nerves, ligaments, tendons, and blood vessels. There is no surgical procedure that can restore what has been amputated from declawed paws. The animals will never have the full, normal function in their paws as they would with intact claws, and years of abnormal function may have caused, and likely will cause, irreversible arthritic changes and/or chronic pain.

18. Big cats who have undergone the declawing procedure surely experience severe pain following the eighteen separate amputations and the standard of care requires that they be administered long-term, proper post-operative pain medication. Baby animals do feel pain and, in fact, they might feel pain more profoundly than older individuals because baby animals' developing neurons have not yet learned to modulate pain and therefore cannot dampen the extreme pain of amputating eighteen toes with a guillotine that most likely crushes/cuts the third phalanx mid bone. Pain experienced in pediatric patients may alter the way the body perceives pain and can lead to chronic pain throughout a lifetime. When a nerve is cut, its viable end will sprout out like a cauliflower looking to reattach itself. This cauliflower is called a neuroma. Neuromas are implicated in chronic, intractable pain and even phantom pain, as described by amputees.

19. Videos I have reviewed that have been provided by Plaintiff's counsel, such as QLDF-JLTCP000750-84, -934-49, show that JLTCP big cats have in fact displayed behaviors

commonly associated with pain, such as avoiding putting weight on paws, lameness, hesitancy to walk, and the other behaviors.

20. Photographs of two JLTCP big cats at QLDF-JLTCP000310-17, taken less than two weeks after they were declawed, show open wounds, with significant swelling to the front left paw and leg. The declawing wounds appear to have been caused by a guillotine, which would have been used to basically crush the tissue and bone. These photos reveal particularly severe wounds to these animals' toe pads.

21. I attended and later reviewed video footage of the site inspection conducted at JLTCP as part of the discovery process in this litigation. At seven minutes (00:07:00) in this footage, there are two African lionesses and an African lion in one enclosure. The lionesses appear declawed, though the lion, who is pacing and has an abnormal conformation, has his claws. In my opinion, housing a clawed male with declawed females for breeding puts the females at a physical disadvantage. They will be less capable of fighting off unwanted mounting behavior because declawed.

22. At 00:11:22 in the video, a white lioness's left front digital pads appear abnormal, likely from having been declawed. Indeed, after viewing this footage, I was able to confirm by inspecting JLTCP's records produced in this litigation that she was declawed. At 00:12:07 and 00:16:30, the white lioness is holding her left ear down and shaking her head as if she is in discomfort. She again is seen holding down her left ear and shaking her head at 02:27. At 02:29, I observe that she has pad atrophy, likely from having been declawed, and a callus formation of the right D4 toe pad.

23. At 02:23, I observed a tiger with a boomer ball stuck in his teeth. He struggles to remove the ball, an action that would be a simpler matter if he still had his claws.

24. At 00:21:19, a big cat appears to have been declawed, as suggested by an abnormal pad shape. This is evident again beginning at 00:56:32. After viewing this site inspection footage, I reviewed JLTCP's records to confirm that in fact he was declawed. This big cat appears hesitant to jump on top of his den box and also hesitant to lie down on top of it.

25. At 01:08:37 in the site inspection footage, there is a lioness with atrophied pads of the rear paws. This is a permanent injury resulting from being declawed. The pad atrophy I observe here is consistent with the photographs I observed of this lioness in the days and weeks following the declaw procedure. In fact, the pad atrophy represents a further—and an expected—deleterious effect of the declawing. As big cats walk on their pads, the atrophy will cause gait abnormalities that may further lead to arthritis or other future harms and certainly is causing this lioness present pain. At 01:12:35, I observe pad atrophy in the rear paws of the other lioness in this same enclosure. At 01:15:18, the first lioness is seen limping on her right front leg, in an attempt to avoid putting weight on the limb and causing pain. This, too, is a deleterious effect of the declawing, indicating ongoing pain. Beginning at 01:18:20, I observe hyperextension of the carpus (wrist) in the front right leg on the other lioness. This is likely a result of an unwillingness to bear weight on the pads of the front right paw because of the declawing. Hyperextension occurs because of an inability to bear weight on the toes, which is the natural anatomical position for walking, so the animal rolls back off the toes, causing the supporting ligaments to become strained, weakened, and stretched. The ligament is no longer able to maintain a proper position. At 01:18:41, this lioness is unable to bear weight on the front right limb as she lies down.

26. I have also reviewed veterinary records at QLDF-JLTCP000075-84 pertaining to a big cat cub who died in early January of 2020. These records state that this cub, two weeks after a declaw procedure, was generally refusing to walk and dragging their hind limb during

attempts at walking, exhibited a significantly swollen paw, was spotting blood from the site of the declaw procedure, and had to be physically carried. Photos I have seen at QLDF-JLTCP000102-05, taken from the home in which this cub was recuperating from their declaw procedure, are consistent substantial swelling and bleeding to the left hind paw, with the pads under each toe enlarged and spreading much farther apart than normal, with visible signs of dried blood. Medical logs at QLDF-JLTCP000089-92 indicate that this cub was ultimately diagnosed with hookworm before they died three weeks after they were declawed.

27. I have also reviewed veterinary records at QLDF-JLTCP000066-69 pertaining to a big cat cub who died in December 2019. These records state that this cub died of a hookworm infection within a month of their declaw procedure. The records state that hookworm breached this cub's skin barrier via open wounds that remained from their declaw procedure.

28. I am not surprised by these outcomes. I have reviewed many historic photos and videos—such as QLDF-JLTCP000223-31, 355-44—showing recently declawed cubs in what appear to be unclean environments, including the lion and tiger cub petting area, and interacting with humans who do not appear to be wearing any protective clothing and who I understand, from interrogatory responses provided by Plaintiff's counsel, to have not been screened for contact with domestic animals or been required to sanitize their hands or any other part of their bodies. Likewise, Plaintiff's counsel has shown me deposition testimony stating that all Big Cat cubs recuperate from declaw procedures in a staff member's house. Photos and videos of this house from early November to late December 2019—QLDF-JLTCP000499-512—show cages in which visible feces and rotting food can be seen that appear to have been left there for hours days; cages stacked on top of each other; what appear to be unsanitary and overcrowded conditions; and several other species (including smaller exotic felids and domestic cats) nearby.

All of these conditions would significantly increase the risk of parasite or disease transmission to big cat cubs. Unfortunately, I can not arrive at a more definitive conclusion as to the actual cause of these deaths because JLTCP did not obtain necropsies for these animals despite timely obtaining of such necropsies being a routine standard of care in the event of any captive big cat death, and particularly in the event of the untimely death of such young animals.

29. The aforementioned records further show that both of these cubs received a long-acting corticosteroid injection immediately following their declaw procedure as part of their routine aftercare. Additional veterinary records show this corticosteroid to have been administered to each of JLTCP's big cat cubs following their declawing. This corticosteroid may have been immunosuppressive, and so may have increased the virulence of any infection, which would have directly contributed to these cubs deaths.

30. It is my scientific conclusion, reached with a reasonable degree of scientific certainty, that both of the aforementioned big cat cubs died directly as a result of complications following their declaw procedures, including potentially as a result of aftercare practices that were common facets of each declaw procedure conducted at JLTCP's behest.

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.