



Expert Affidavit of Ben Wilson

Background

1. I willingly submit the following statement and supporting information in regard to the physiological and psychological welfare 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. My report is based on over 22 years of animal behavior and welfare experience, and on my education in animal care and behavior. I am currently the behavioral, husbandry, and welfare manager at an AZA-accredited zoo, the John Q. Smith Zoo, in Topeka, Kansas. I am also an animal training, behavior, and welfare consultant for the Association of Zoos and Aquariums (AZA), the U.S. Department of Agriculture (USDA), the Global Federation of Animal Sanctuaries (GFAS), and various other animal protection non-profit organizations. I received a Bachelor of Science degree in zoology and behavioral psychology from the University of Messina and a Masters of Interdisciplinary Studies in zoo and aquarium leadership from Thebes State University.

3. More specifically, my work with Big Cats has included direct husbandry, including cleaning, feeding, training, enriching, maintaining enclosures/housing, managing breeding programs, and providing appropriate medical care for every member of the Big Cat family. I teach industry standard care procedures to new staff and when consulting with other facilities housing Big Cats.

4. Training, behavior, and animal welfare are all inextricably linked to an animal's overall well-being. Much of my experience with behavioral management is rooted in understanding natural behaviors for animals and how captive facilities can better manage the housing and exhibition of animals to meet their genetic behavioral predispositions. Failing to meet animals' needs in captive environments results in physiological, medical, and behavioral issues. Assessing behavior and welfare, and subsequently advising on best approaches to animal care is an intrinsic part of this skill set.

5. I am compensated at a rate of \$300 per hour.

Summary of Opinions

6. My opinions are based on my direct observations made during a site inspection of JLTCP, records relating to husbandry produced by JLTCP and shared with me by Plaintiff's counsel, and other litigation documents provided to me by Plaintiff's counsel.

7. It is my opinion that declawing of Big Cats and cubs without medical necessity by JLTCP has caused immediate injury to the animals, resulting in permanent physiological changes that impair expression of species-typical behaviors and in further psychological distress and injury.

8. It is my opinion that premature separation of cubs from their mother by JLTCP has caused immediate psychological distress and injury to Big Cats of all ages. Lacking maternal presence and rearing, "pulled" cubs at JLTCP have become developmentally impaired. This has resulted in permanent psychological stress, which in turn has created permanent physiological changes that will injure the animals for the remainder of their lives and may ultimately contribute to premature death.

Methodology

9. To assess the welfare of captive animals, experts in the field of animal welfare observe various elements of the housing environment, management policies and practices, relevant records of management and care, and the appearance and behavior of the animals. During any assessment, I observe the environment, observe the animals' behavior, monitor records, and ask questions of owners/managers/caregivers. I compare animal behavior and husbandry parameters to husbandry records. I carefully scrutinize the environment for minute behavioral or environmental clues that are not immediately obvious upon a cursory inspection. I compare my assessments to industry protocols, such as AZA Husbandry Manuals, the Animal Welfare Act (AWA), and welfare assessment tools used by accredited institutions. I also rely on models and assessment factors from recognized international welfare philosophies including the Five Animal Welfare Aims, the Five Domains Model, the Five Freedoms, and the Five Provisions. My observations and expert opinions are referenced against publicly-available, established and current research on Big Cat care, husbandry, and welfare.

Declawing

10. Declaw procedures require surgical amputation of the terminal digital phalanges, meaning that the animal's toes are cut off at the first knuckle in order to prevent the claws from growing back. This affects the bones, ligaments, tendons, nerves, blood vessels, and all surrounding tissues, including the skin. Because cats are biologically "digitigrade" in their posture and locomotion, meaning that when they walk their weight is borne by toes, declawing entails removal of the natural weight-bearing structures that the animals rely on their entire lives, both physically and behaviorally.

11. Declawing causes behavioral harm to Big Cats because Big Cats are born with a set of behaviors, predispositions, and expectations; declawing disrupts those norms by creating

different stress responses to the procedures. Those responses can change a Big Cat's physiology, brain, and hormone system which in turn affects the Big Cat's ability to walk, run, jump, climb, and scratch.

12. Many behavioral differences between declawed and non-declawed Big Cats stem from the fact that Big Cats normally place their weight on these removed digits to engage in any activities. Removal of the terminal phalanges impairs normal behaviors such as walking, climbing and jumping, and subjects the animal to unnecessary medical risks and complications. The inability to function and behave as they genetically expect to be able to would be expected to persist the remainder of their lives.

13. Declawing in domestic cats is often used as a defense for applying the same procedure to exotics, but recent studies provide evidence that the surgical techniques are fallible and unreliable, resulting in a number of acute and chronic physical, medical, and behavioral problems for both domestic and exotic felines. Moreover, this high percentage of complications is present in a population—domestic cats—where it is a common procedure. In Big Cats it is an uncommon procedure, with subsequent research or investigations into the effects of the unnecessary surgeries being practically nonexistent.

14. Declawing is also a permanent condition that the Big Cats will endure for the remainder of their lives. Big Cats normally exhibit an expansive array of natural behaviors. These behaviors are a direct result of their biology, evolution, and genetic development. Any and all behaviors related to Big Cats' claws and/or final phalanges are permanently impaired or eliminated altogether, including walking, running, and jumping normally; climbing, territorial marking via scratching, warning or defense in social situations or confrontations; grasping of food; and any other behaviors that would place weight on missing phalanges, tendons, ligaments, and nerves.

15. The missing phalanges, tendons, ligaments, and nerves are natural extensions of the animal's body, and animals behaviorally expect and rely on their presence. Removal of the natural physiological mechanisms forces a permanent alteration of normal, species-typical behaviors in Big Cats. Big Cats are not domesticated, and living under human care does not negate species-typical behavioral expression. The inability to engage in or express species-appropriate behaviors results in psychological distress, both acute (immediate) and chronic (long-term).

16. My own observation of the behavior of JLTCP's Big Cats bears out that JLTCP's actions have caused immediate and ongoing pain, discomfort, and other injuries.

17. In photos and videos provided for my inspection, such as QLDF-JLTCP0003648, -4968, 8673, 1002, 1004, 1006-33, and -1074-92, I observed lesions or wounds on the toes/feet of Big Cat cubs. I have also seen video, QLDF-JLTCP0000222, where one can observe cubs licking their hind feet. At this age one would not expect Big Cat cubs to be developed to the point where they are grooming themselves, and this is likely a response to pain or irritation in their toes at the surgical site.

18. In some of the videos reference above I have observed Big Cat cubs at JLTCP attempting to engage in species-appropriate behaviors, yet be unable to complete them. These include Big Cats trying to jump that cannot get purchase, cubs falling while walking or jumping (unnatural in older cubs), Big Cats trying to "knead" while feeding, cubs swatting at or warning other cubs or members of the public with no effect, Big Cats failing to put weight on declawed paws, and even Big Cats walking with an unnatural "hopping" gait, often on one or two feet to compensate for the pain and/or missing extremities. These Big Cats will be unable to engage in these behaviors, as they genetically expect to, for the rest of their lives.

19. It is my opinion that all of the cubs described above were exhibiting behavior consistent with either acute and/or chronic pain, or other deleterious effects, resulting from declawing.

20. In addition to my review of photos and videos described above, I personally observed two Big Cats exhibiting behavior suggestive of long-term injuries, likely resulting from declawing, during our team's site inspection of JLTCP.

21. During an episode of stereotypic pacing one Big Cat engaged in for several minutes, she paused to urinate. When she was coming out of her crouched position, she was very careful about placement of her front paw on the mulch, lifting it gingerly before finally placing weight on it. This can be viewed in the site inspection footage at the 11:30 mark. At the 16:15 mark, she pauses while pacing along the back side of her cage, she holds her left front leg awkwardly and her leg spasms while she stands.

22. I saw another Big Cat consistently favoring and limping on her front right paw at the 18:30 mark. She would hold her paw up when she paused and then walk gingerly on it. This behavior was more pronounced when she was on the gravel.

23. I also observed other Big Cats at JLTCP appearing noticeably cautious and reserved in interactions with other animals, remaining at the outer edge of social groups, and reverting to displays of aggression quickly. Particularly noticeable examples occurred at the 19:05 and 21:36 marks.

24. It is my opinion that the behaviors exhibited by these Big Cats, described above, are likely symptomatic of a pain response and psychological stress.

Maternal Separation

25. Big Cat cubs who are used in public interaction events, such as "Lion and Tiger Cub Petting," have been intentionally removed prematurely ("pulled") from maternal care at an

exceptionally young age, generally within the first few days after birth. This negates proper psychological and behavioral development as the cubs grow and mature. Big Cats are not domesticated. Their genetic programming is the same as their wild counterparts. To force cubs to interact with another species interferes with normal neural development. This results in cats developing a behavioral repertoire that is in constant conflict with their natural instincts. This—as well as steps taken by handlers and visitors to override these conflicts—creates further distress and other permanent neural problems, and may ultimately contribute to premature death.

26. Cubs require specific nutrients, colostrum, and antibodies from their mothers through nursing in the first days and weeks of their lives, which are difficult to emulate even in the best of controlled environments. Colostrum is a form of milk generally produced shortly before birth to transmit antibodies to newborns. Cubs who have been removed from maternal care are physically deprived of these necessary, vital components to developing healthy and robust immune systems that would otherwise provide a stronger physiological defense against disease and parasites for the rest of their lives. Stress also will impair their developing immune systems, putting the cubs at an unnecessarily high risk of potential infection and disease. Lack of appropriate sleep and rest physically taxes the cubs, who would rest calmly with their mother or siblings for long periods of time, and weakens the cubs physically, including their immune responses.

27. In a more natural setting, Big Cat cubs would remain with their mother for up to two years before they naturally weaned. Removal of cubs from the mother to be hand-reared for public entertainment compromises both the short-term and long-term welfare of the infants pulled.

28. JLTCP historically encouraged visitors with no experience with exotic species, particularly not Big Cats, to bottle feed cubs during interactive events. According to staff testimony, these visitors were provided no instructions because: “It’s pretty simple. Hold the damn bottle up so they can drink it. Don't let it fall down. It's a damn nipple, not a straw.”

29. The cubs at JLTCP I have observed in historic photos and videos, such as QLDF-JLTCP000540, -557, -559, -602, -610, -613-15, are unable to position themselves normally to nurse. Normally, nursing cubs would generally lie prone on their stomachs while the mother lay on her side in what is sometimes referred to as a “sternal feeding position.”

30. Conversely, the Big Cat cubs fed during interactive events at JLTCP are surrounded by noise, light, and excessive physical stimulation, as can be seen in QLDF-JLTCP0009688 and -791. During this developmental stage of their lives the cubs would normally only be with the mother and siblings, located in a den or secluded, safe location. Exposure to external stimuli would be gradual and monitored and controlled by the mother. The Big Cat cubs in the historic photos and videos I observed, such as QLDF-JLTCP008558, -8560-61, and -8604-09, are sitting upright, sometimes standing with paws placed on the human for stability. Their heads are craned backwards, which is not a natural nursing position. Improper positioning and movement during nursing can lead to aspiration of fluid into the lungs. This can easily result in aspiration pneumonia, which harms the cub directly and, when not treated quickly or appropriately, may lead to advanced illness and/or permanent lung damage. Mishandling, grasping, and jostling of the sort that have been observed at Lion and Tiger Cub Petting events would exacerbate the situation and increase the risk to the cubs.

31. Stress stemming from the conditions imposed by maternal separation, both acute and chronic, will impair Big Cat cubs' developing immune systems, putting the cubs at an unnecessary high risk of infection and disease, and may ultimately contribute to premature death.

32. The cubs are also exposed to other significant risks of disease or parasite transmission during this period of maternal separation and human contact. I have seen videos, such as QLDF-JLTCP006666 and -707, in which domestic cats can be seen wandering the JLTCP property.

There are several types of parasites (fleas, ticks) that travel between hosts that can cause irritation or illness, as well as diseases that are transmissible between domestic and exotic species such as toxoplasmosis, leptospirosis, and even FIV. Domestic cats free-ranging on property that can come into contact with any of the Big Cats are also potential vectors for health risks. Their proximity to cubs who are still developing their immunities, and are likely immunosuppressed due to acute and chronic stress, creates an unnecessary level of health risk, and future potential for premature death, that appears to be disregarded by the JLTCP.

33. JLTCP staff, and the visitors attending interactive events, have posed unique health risks. I understand from interrogatory responses provided to me by Plaintiff's counsel that JLTCP has never required staff or attendees to sanitize even their hands to prevent disease and parasite transmission, wear gloves or other protective equipment, or disclose if they have domestic cats at home (and if those animals receive appropriate veterinary care). This is far beneath common industry standards for anyone accessing behind-the-scenes animal areas. This creates a harmful environment for Big Cat cubs that creates a needlessly high risk of injury.

34. I am also concerned at the risk posed by conditions in the residence in which Plaintiff's counsel informs me that Defendant's personnel have testified that all Big Cat cubs are housed following their declaw procedures. Photos of this house—QLDF-JLTCP000499-512—show

cages of various levels of cleanliness stacked on top of each other, along with overcrowding of caged and uncaged animals who, in addition to posing a risk of disease transmission, would surely have created a cacophonous environment. In such an environment, animal cries and behaviors would inevitably negatively impact other animals, including the Big Cat cubs. Housing Big Cat cubs in this environment and manner does not comply with industry standards and exposes the cubs to constant physiological and psychological harm. These conditions would cause serious, immediate, and irreversible physical and psychological injuries to each animal, which would be expected to significantly impact the animal's long-term behavior and result in chronic psychological and physical injury for the rest of the animal's life.

35. Big Cat species are not “domesticated.” Domestication, as a process, may take thousands of years and innumerable generations to occur. A Big Cat who has been raised by human beings will learn to adapt to different environmental stimuli than they would genetically be predisposed to expect, but this does not alter their genetic or neural development. Big Cats are going to develop Big Cat behaviors; human influence cannot appropriately replace maternal care and teaching. What this means is that, by separating the cubs from their mothers and preventing appropriate developmental learning to coincide with genetic behaviors, the animal will be in conflict when coping with situations where their inherent responses to stimuli oppose human expectations. This will trigger distress, which will result in neural and hormonal changes that will permanently impact the animal's welfare. Stress in animals compromises immunity, impairs coronary health, alters brain structure and function, impairs reproduction, stunts growth, reduces body weight, may shorten lifespan, and increases abnormal behaviors. Maternal separation thus directly compromises the Big Cats' welfare and significantly disrupts normal behavior patterns.

36. Big Cat cubs under one or two years of age are also at a critical learning juncture, where they would be learning necessary life skills from their mother and species-appropriate social skills from mother, siblings, and conspecifics, at developmental milestones during their neural, hormonal, and physiological growth. Transition through these stages would be guided by the mother, who would teach the cubs the appropriate behaviors to accompany their genetic predispositions. Human-reared cubs who suffer improper (or a lack of) maternal rearing and socialization regularly develop extreme aggression and show more solitary or socially inappropriate behaviors and impaired coping skills, including from hippocampal atrophy, that in the long-term compromises animals' ability to adapt appropriately to new situations or learn necessary new skills.

37. Human-reared cubs grow into animals who are generally unable to interact with conspecifics, as their habituated responses to humans do not match appropriate social cues and behavioral signals expected by the other animal. Human-reared Big Cats also tend to be unpredictable as adults, as they do not consistently exhibit species-appropriate behaviors or reliably display the desired responses expected by human caregivers. This creates long-term stress in most situations where the animal is challenged by novel stimuli, and can lead to fear, aggression, and injury. Stress responses, and the concurrent neural changes, are housed in the amygdala of the brain, and will override the learning capabilities of the neocortex under adverse conditions and stimuli. This will affect their coping mechanisms and ability to learn from their environment and have a long-term deleterious effect on their welfare.

38. No human can effectively replace a Big Cat mother for teaching species-appropriate behavior patterns. The cubs will develop neural and hormonal pathways and responses, but without learning the appropriate behavioral components the cubs will struggle with

understanding environmental stimuli, and reacting appropriately to them, for the remainder of their lives. This psychological struggle will manifest as chronic stress, which will change how the brain develops, both physically and psychologically impairing these cubs permanently. Removal from the mother, an expected source of company, comfort, and teaching, will trigger significant stress responses in both the cubs and the mother, also triggering changes in the amygdala and other brain structures. These changes will result in the development of inappropriate behavioral responses throughout the cubs' lives, suppression of appropriate coping mechanisms, and an increase in aggression and reactive responses. The animals are forced to develop atypical behavioral repertoires to function as adults.

39. Human-reared cubs also suffer from neglect through maternal deprivation, which leads to long-term depressive traits and impaired coping skills, specifically in long-term potentiation, which compromises an animal's ability to learn new skills over the course of its life and adapt appropriately to new situations.

40. The above conclusions are consistent with what I have observed in photos and videos of Big Cats at JLTCP, and from what I personally observed during my site visit.

41. For example, I observed a number of disjointed "polyglot" Big Cat communications during my site inspection of JLTCP. I have also observed and witnessed Big Cats subject to atypical behavioral situations from cage-mates of differing species and/or sexes. I observed one female tiger, at the 29:30 mark of the inspection video, mounting and pinning a male tiger to the ground. He reacted adversely and attempted to end the interaction. Both cats displayed the disjointed collection of warning, defensive and affiliative behaviors that I described above to resolve the engagement. This mounting behavior is atypical between sexes of the same species, particularly in unrelated animals. These are unnatural and atypical interactions that the Big Cats

are forced to engage in, as well as develop species-atypical coping strategies. These are unlikely to be isolated incidents coincidental to someone recording or our site inspection; I believe they are symptomatic of chronic conditions and interactions, likely exacerbated by the Big Cats' lack of maternal socialization. This would be a source of psychological distress and harm.

42. Acute and chronic psychological distress result in permanent changes to the brain, nervous, and endocrine systems. Chronically elevated levels of stress hormones, such as glucocorticosteroids, can lead to hypertension, respiratory and cardiac distress, and cause suppression of the immune system. The mammalian brain will also experience atrophy of the hippocampus, which affects learning and retention of information. Animals are incapable of learning in circumstances in which they are stressed or traumatized, as the more primitive amygdala in the brain (responsible for fight, flight, etc.), which changes permanently as a result of stress, will override learning or conditioning. This means that animals who endure chronic psychological distress experience physical changes, and permanently endure impaired learning and memory retention, as well as adaptive and coping abilities. The cumulative effects of distress may shorten these animals' lives and, in severe cases, lead to myopathy and injury.

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.