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6 **IN THE UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 LAURA LEIGH,

9 Plaintiff,

Case No. 3:10-cv-00417-LRH-VPC

10 vs.

11 KEN SALAZAR, in his official capacity as
12 Secretary of the U.S. DEPARTMENT OF
THE INTERIOR, BOB ABBEY, in his official
13 capacity as Director of the BUREAU OF
LAND MANAGEMENT; RON WENKER in his
14 official capacity as Nevada State Director of
the BUREAU OF LAND MANAGEMENT, *et*
15 *al.*,

16 Defendants.
17 _____/

18 **DECLARATION OF LAURA LEIGH**

19 I, LAURA LEIGH, do hereby swear, under penalty of perjury under the laws of
20 the State of Nevada and of the United States of America, that the foregoing is true and
21 correct:

22 1. I am the Plaintiff in the above-captioned matter. I am personally familiar
23 with the facts set forth herein except for those facts stated on information and belief and
24 as to those facts, I believe them to be true. I submit this Declaration in support of the
25 Plaintiff's Motion to Reconsider Denial of the Motion for Order to Show Cause, etc.

26 2. I hereby incorporate Declarations made by me previously, particularly my
27
28

EXHIBIT A

1 Declaration made in support of the Motion for Order to Show Cause (Doc 19). Most all
2 conversations with myself present and which are discussed herein below were recorded
3 on video, which I am able to provide the court on its request.

4 3. On July 16th I left Reno at 10 pm with Ms. Deniz Bolbol and Ms. Elyse
5 Gardner headed toward the Elko BLM District. My purpose in traveling was to observe
6 the Owyhee HMA gather after the court issued its order granting in part, and denying in
7 part, the requested relief.

8 4. On July 17, 2010 while attempting to locate the Owyhee HMA horse trap
9 site, there was a point when we (Ms. Bolbol, Gardner and I) came to a spot blocked by
10 official BLM vehicles which were parked in the road, creating a road block. These
11 vehicles prevented us from continuing on the road. I am informed and believe the BLM
12 officials called an Elko County Sheriff's Deputy who arrived at that location.

13 5. Elko County Sheriff's Deputy Ames was the deputy tracking our position in
14 the Owyhee HMA. I am informed and believe it was the BLM efforts of engaging the
15 Sheriff's department which caused Deputy Ames to "bird dog" us or in essence, keep
16 track of our whereabouts. His treatment of us was replete with reminders throughout
17 the day that we could be arrested for trespassing were we to venture onto private lands.
18 His posture was always aggressive. He set impossible parameters with us throughout
19 the day. When Deputy Ames arrived at this roadblock on the range we anticipated
20 more of the same difficult demeanor. Deputy Ames advised again of the possibility of
21 arrest should we trespass on private property. Meanwhile, Deputy Ames refused to
22 assist us so we could avoid areas of private lands.

23 6. While stopped at the BLM vehicle road block, Deputy Sheriff Ames
24 arrived. Deputy Ames advised our car was at the "edge of private property" whereupon
25 Ms. Deniz Bolbol backed the car up to make certain we would not be accused of having
26 trespassed. We were scared at this point inasmuch as we had been threatened
27 throughout the day with arrest should we set foot on private land. Deputy Ames
28 reminded us again on this occasion, "You can't trespass on somebody else's property."

1 7. At this road block, we were prevented from proceeding further. Later I
2 personally determined the road we were on was in fact over public lands nearly a mile
3 beyond where the BLM vehicles blocked our travel, before it went along private land.
4 One of the ranch managers there identified the road as a "County Road," although BLM
5 officials said they "didn't know" if the road was public or private.

6 8. After Deputy Ames finished his admonishments one of the BLM rangers
7 there showed us on his electronic GPS map unit, where we were located. We were on
8 public property; and according to him, the road passed over private property about 500
9 yards further from where we were located.

10 9. I further determined later on, the Owyhee HMA trap site was located
11 roughly five more miles down the same road on which we had been traveling before
12 being stopped by the BLM road block on a public road. I further determined the public
13 road continued nearly a mile beyond where we had been stopped by the roadblock.

14 10. At this road block, my impression, as was that of the women with whom I
15 traveled, was this: given the number of "officials," four including BLM officials and BLM
16 Rangers and an Elko County Sheriff's Deputy, three of whom were armed, blocking the
17 road with three official vehicles, who when choosing to show up *en mass* to stop we
18 three women with a clear showing of force, out in a remote location on the range, and
19 with the repeated admonition we should not trespass and that private property was
20 close, that we would be arrested if we traveled but a few feet further down the public
21 road. This showing of force was intimidating and they succeeded in finally scaring us.
22 We chose the safer route and reversed our direction and left the area.

23 11. This show of force by officials including those from the BLM, **occurring**
24 **on public lands**, was intimidating and was a successful scare tactic that caused us to
25 leave the area.

26 12. We never saw any portion of the Owyhee HMA gather because of these
27 scare tactics. It was never experienced by me previously that one small vehicle
28 containing three unarmed and cooperative women, would cause a show of force by four

1 men, three of whom were armed, three large vehicles and threats of arrest to stop
2 someone from observing a wild horse gather.

3 13. On that same day (July 17) and despite all the BLM officials about in the
4 area, we continued to see official BLM land closure signs.

5 14. I am informed and believe based on my conversations earlier this day with
6 BLM manage Ken Miller that the BLM planned early on, before the Owyhee HMA
7 gather commenced, that journalists and horse advocates would be out attempting to
8 see the Owyhee gather contrary to the land closure. I am informed and believe Ken
9 Miller called the Sheriff's office on me earlier that same morning (July 17). I am
10 informed and believe BLM's Ken Miller also called the Sheriff the day prior to when I
11 arrived to alert them to our pending arrival. Mr. Miller stated this fact while in my
12 presence.

13 15. I am informed and believe the Defendants had pre-gathered wild horses in
14 Owyhee, Rock Creek and Little Humboldt HMAs before commencing their published
15 gathers. In my experience on the range I don't believe it is possible to gather so many
16 horses scattered about a large HMA in such a short period of time. By example, I am
17 informed and believe the BLM reports they gathered 228 horses in the first two hours of
18 the Owyhee HMA. This was at a point when there was **no declared emergency** to
19 gather wild horses. This gather of 228 horses in two hours is from an area spanning
20 many miles of terrain. The undersigned questions how this was accomplished. In
21 another example, I am informed and believe when the BLM engaged itself in the Calico
22 (Winnemucca district) HMA gather, it took the BLM two months to round up over 1900
23 horses. In comparison the entire Tuscarora operation (Owyhee, Rock Creek and Little
24 Humboldt) took only three weeks to round up and remove over 1200 horses.

25 16. Most telling was the assertions at the public observation days in Rock
26 Creek. I repeatedly asked field office manager David Overcast that day what the
27 operation was that we were witnessing. He repeatedly stated, at the trap site in
28 Winter's pasture they would be pushing in horses from Little Humboldt. He traced on a

1 map the route the gathered horses would take. In less than an hour we witnessed about
2 70 horses driven into a trap in Rock Creek. My impression is, either the horses were
3 driven over the course of twelve miles in an hour's time in dry, hot conditions; or the
4 BLM pre-gathered horses and held them at a staging area, to satisfy the "drive by" for
5 the public observation day. In either event what we personally observed during the
6 Rock Creek visitation day did not match Mr. Overcast's description. Based on the
7 information provided in the previous paragraph and on other photographic evidence I
8 am prepared to offer the court if a hearing commences, my impression that the federal
9 Defendants in this case have not been candid with the court or with the public about
10 their activities in Owyhee, in Rock Creek and in Little Humboldt HMAs.

11 THIS DECLARATION under penalty of perjury under the laws of the State of
12 Nevada and of the United States is made this 10th day of August 2010 in Carson City,
13 Nevada.

14 /S/

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16 Laura Leigh, Declarant
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