

DECLARATION OF PETITIONER

I, LAURA LEIGH, declare under penalty of perjury, the following:

I am the Petitioner in the matter to be filed in the U.S. Court of Appeals for the Ninth Circuit, to which this Declaration is attached. I am personally familiar with the facts set forth herein, except for those facts stated on information and belief, and as to those facts, I believe them to be true. I make this Declaration in support of the Motion to which this Declaration is attached.

I am a journalist and member of several equine welfare organizations and have a direct responsibility to report to the public my observations of the management and direct treatment of wild horses and burros on public land and wherever they are kept after removed from public lands.

I am informed and believe I have been to more BLM roundups in the past twelve months than any BLM or Department of the Interior employee.

I make this statement in all urgency and urge the Court to read my earlier testimony given at the hearing and in my declarations that are in the record in the matter pending in the U.S. District Court for the District of Nevada as Case No. 3:10-cv-597 entitled, *Laura Leigh, Plaintiff, vs. Ken Salazar, et al., Defendants* ("underlying case"). I am the Plaintiff in the underlying case.

I am informed and believe that wild horses have been, and are continuing to die at the closed facility known as "Broken Arrow," aka "Indian Lakes," aka "Fallon." I am informed and believe this facility is a privately contracted Bureau of Land Management ("BLM") wild horse holding facility in Fallon, Nevada which is a holding facility for wild horses captured from the range by the BLM.

Broken Arrow was open to the public for tours after the Calico Roundup last year but closed after the public became aware of disturbing conditions in that facility which I published through photos I took there and circulated to the public via the internet. After the publication of my material that I filmed within this facility, I have since been precluded by the BLM from returning there although I have asked many times to do so.

I have personally tracked and documented Silver King horses (i.e. those horses removed from the Silver King Herd Management Area the subject of which precipitates the underlying case) and have tracked many other wild horses removed from open range by the BLM, to the BLM's Broken Arrow facility.

My requests to document the BLM's "hands on" care of those horses kept at Broken Arrow by the BLM have been repeatedly denied since the filing of the lawsuit giving rise to this matter. I have been repeatedly denied access there, even just recently.

I am informed and believe the BLM just recently (the past few days) published information detailing the deaths of horses, including Silver King horses, warehoused at Broken Arrow.

I am informed and believe some of the Silver King horses of which I am aware were brought to Broken Arrow, remain there although I have personally been denied permission to enter this facility multiple occasions.

I am informed and believe that as of this writing, there are a number of horses dying from pneumonia at Broken Arrow.

I cannot fulfill my function of reporting on the care of these animals to the public when I am precluded from BLM facilities such as Broken Arrow. I am unable to fulfill my obligation of reporting the care of horses kept at other facilities the BLM references as "long term holding facilities" located in undisclosed places. The BLM has denied my access to these facilities as well.

In a BLM roundup in Nevada taking place at this writing, I have been held back and precluded from viewing crucial moments of handling horses removed from the range by BLM officials as has been the case now since I began circulating my photos and videos of the BLM's activities. My preclusion is consistent currently, with how I described my preclusion from roundups at the November hearing in the underlying case, and is consistent with how I am kept back as has been detailed in declarations I filed in the underlying case. As but one example, it has not been unusual for me to be kept as far back from BLM "hands on" interaction with horses, as much as a half-mile, in some instance even further. When I am allowed to come more closely to view the BLM's handling of these captured horses, it is not unusual for the BLM to place objects in the way of my view of these horses, to keep me from photographing.

In essence, I am kept from filming and photographing the health and condition of these horses (just as I was at Silver King and at other roundups both before and subsequent to Silver King) and I am kept from filming and photographing the "hands on" interaction the BLM has with these horses.

My filming of the health and condition of these captured wild horses (including Silver King horses), wherever situated, is a matter, I am informed and believe, of significant interest to those among the public who read and view my published materials. My filming of the crucial moments when wild horses are actually trapped and captured off the range is, I am informed and believe, of significant interest to those among the public who read and view my published materials. But, because I am precluded by impediments, obstructions or distances, or for other imposed reasons, from observing these crucial moments and in being precluded from independently assessing the health and condition of horses as they are removed from the range or kept in BLM warehouses, I am not able to fulfill my obligation to observe and report these matters to others.

I am informed and believe the BLM manages public land and resources for the American people, and that wild horses and the funds used to facilitate this program belong to the American people.

My function is to report to the public in the process and manner guaranteed me and guaranteed to the public by the First Amendment to the U.S. Constitution. Because of the BLM's methods of keeping me back, I cannot fulfill my obligation.

This Declaration is made this 13th day of February 2010 in Elko County, Nevada.

/S/

Laura Leigh, Declarant / Petitioner