

SUPPLEMENTAL DECLARATION OF LAURA LEIGH

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

1. I am the Plaintiff in the above-captioned matter. 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 submit this Declaration in support of the Plaintiff's Amended Motion for Temporary Restraining Order and any amendment to the Motion for Preliminary Injunction.
2. This Declaration supplements my Declaration made September 23, 2010. I hereby incorporate my September 23, 2010 Declaration (Doc 6-2).
3. On Tuesday, September 28, 2010 I drove approximately 428 miles to Pioche from Carson City, Nevada. Pioche is the nearest town where the Silver King wild horse gather conducted by the BLM is conducted. I went there to observe, document and then write a journalistic report to the public on the capture (roundup) of wild horses from the Silver King Herd Management Area, by the BLM and/or their chosen contractor.
4. I am informed and believe that Tuesday, September 23, 2010 was an announced public observation day of the Silver King roundup. I was effectively censored from completing this assignment as planned because of the Defendants' restrictive methods in precluding me from observing roundup activities in a meaningful manner.
5. When I arrived at the specified time in the morning, I was advised by BLM employees there was no press or media access. I was the only media present. Nevertheless, I was not given access equal to that which the New York Times and Las Vegas Sun media representatives were provided in recent, previous BLM roundups. [See Doc 6-2, paragraphs 13(c),13(d), 16(e), 16(l)].
6. The location where I was instructed to remain, by BLM employees, precluded any meaningful observation of any portion of the capturing of the Silver King wild horses. The location I was instructed to remain was approximately one-quarter mile from the wild horse trap site (the location where they actually trap the wild horses). The trap site itself was not visible from our assigned vantage point. The closest I was able to view horses when they were being rounded up was when observing the dust emanating from a helicopter pushing horses approximately one-half mile off in the distance, or perhaps further.
7. Specifically, horses could not be seen entering the trap or coming close to the trap. No portion of the trap or horses coming into the trap was visual from our instructed vantage point.
8. The location where I was instructed to remain by BLM employees precluded any meaningful observation of any portion of the handling by the BLM's contractor, of the Silver King wild horses. I was precluded from observing any portion of their sorting or work to move or separate captured wild horses in their various holding pens. What was observed was minimal at best, and failed to include any part of the contractor's handling of the captured wild horses, thus precluding altogether any meaningful observation of their activity. I was not even able to independently count the number of horses they

captured, they sorted, they loaded, or shipped. I was not able to perform even a simple inventory of the horses, to verify the specific number of horses the Defendants captured.

9. When allowed to go to the area where the Silver King horses were held in pens, I was held back from the holding pens by about 35 feet by a barrier. The horse pens themselves were shielded by orange, plastic fencing I am informed and believe is called snow fencing. This snow fencing precluded any observation of the horses where the snow fencing blocked out virtually all of the held horses' bodies from view from the location we were directed by BLM employees to remain. When I laid on the dirt ground to get a glimpse of any portion of these held horses, I was able to see some hoofs, fetlock joints but not much more. I climbed on top of my car to see if I could glimpse at the horses heads. I was able to see the tops of some of the horses' heads in the holding pens by standing on top of my car. From these two vantage points, I did in fact, note fresh injuries to those horses, at least on those minimal parts of the horses I was given access to see, although visual access was so restrictive, I am not able to identify what horses belonged to those injuries I was able to observe. More specifically and by way of example, if I saw a bloody hoof, I was precluded from matching that bloody hoof with any horse where I was precluded from viewing the horses bodies and precluded from getting closer to the animals where my view would be unobstructed.

10. After asking if I could view horses being loaded for shipment, I was finally given the OK to do so. I hustled to the area where they were loading horses. By the time I arrived to the loading area, one truck loaded with horses had already left; the second and final truck there had only three remaining horses to load. Of all the horses captured, held and loaded this day, I was given the opportunity to see only these last three horses being loaded into the final truck. I was otherwise precluded from observing the loading of captured horses and the handling of the captured horses during the loading process, by the Defendants' chosen contractor.

11. From my various vantage points and while abiding by all BLM rules for observation, on September 28, I was precluded from any meaningful observation whatsoever, of the capturing, the handling, the holding, the loading, or the doctoring if any, of those horses captured at the Silver King roundup.

12. I advised BLM employees I would return the next day. On Wednesday, September 29, I returned. I was provided the identical access which I experienced the day previously (September 28), to the wild horse roundup. Once again, I was completely stymied and precluded from any meaningful observation whatsoever, of the capturing, the handling, the holding, the loading, or the doctoring if any, of those horses captured from Silver King.

13. On September 23 and 24, because of the unduly restrictive access I was not able to conduct any meaningful health or condition assessment of the captured Silver King horses.

14. As the result of the unduly restrictive access to the Silver King horses, I was precluded from meaningfully observing and formulating impressions and opinions of, and then writing and reporting to my editor at Horseback Magazine of what I should

have been able to observe, to formulate impressions of and to render opinions of, at a wild horse roundup. I was further precluded from formulating impressions and opinions concerning the government's handling and management and activities related to the Silver King horses, from which I could write a journalistic report.

15. I am informed and believe the Defendants made herculean efforts to keep their roundup, capture, shipment and ultimate disposition activities relative to Silver King horses, private and afar from public scrutiny and from my view.

16. I was advised by BLM employees that horses taken from Silver King would be transported to the "Broken Arrow" facility in Fallon, Nevada and also to a prison in Utah. I asked Mr. John Neil, the manager of the BLM's facility in Palomino Valley who doubles also as the acting manager for the BLM of Broken Arrow, whether I could be given access to see the Silver King horses at Broken Arrow. He denied my request. He offered no explanation.

17. On September 28 I advised BLM employees I was interested in arranging for an adoption of one of the stallions they had captured. I asked if they could ship the horse to Fallon to Broken Arrow rather than to the Utah prison since Broken Arrow was closer to my home in Carson City. I am informed and believe a decision was made by Mr. Neil and Mr. Alan Shepard that following my request, they chose to ship the horse to the Utah prison. I am informed and believe the Utah prison has attached to it, a horse holding facility operated by the BLM.

18. In attempting to try to keep track of at least one Silver King horse, particularly the one in which I expressed interest, and after having been denied access to Broken Arrow, and after having been denied meaningful observation of the capturing, sorting and loading and shipment of Silver King horses the two days I attempted to see these activities and to see Silver King horses, I chose to follow the truck that contained the horse in which I was interested, to the Utah prison.

19. It took about five hours or more to travel to the prison in Gunnison, Utah from Pioche. When arriving, my vehicle was thoroughly searched, all my possessions were searched, my cigarettes were confiscated. I was denied access to my camera, cell phone. I was put through a background search. Because of the exhaustive search, I was not able to view the captured horses when they were off-loaded from the trailer.

20. The prison in Gunnison, Utah is contained within a secured area. In other words, it is a prison within another restricted area. The outer restricted area (from the prison itself) is where the wild horses are kept. There are signs at this facility indicating it is a facility of the BLM's Wild Horse and Burro program.

21. While there (at the Gunnison, Utah prison) I was able to locate and finally view the horse I told the BLM previously, for whom I would find a home. This is the very first time I was given any reasonable access during this trip although it came at the price of my having to travel several hundred additional miles, it came after being denied two days of access to observing the capturing, processing and shipping of wild horses, it came after being denied access to a facility much closer to my home (Broken Arrow in Fallon, NV), it came after a significant background check, personal searches and finally,

it came after I was denied the very tools with which I provide journalistic impressions and comment – my camera.

22. As the result of the foregoing, I've been foreclosed once again as I have repeatedly in the past, from formulating thought and impressions of government activities concerning their roundup efforts at Silver King, I have been foreclosed from observing Silver King horses at Broken Arrow (a facility within an hour's drive from my home), and I feel violated in having to endure a personal search and background check just to gain a peek at a horse in which I expressed interest which I am informed and believe, was intentionally shipped as far from my home as was possible, at the unilateral discretion and decisions of the Defendants.

23. As a journalist, a writer, a researcher and information gatherer concerning wild horse activities, their habitat, population, movement and growth, should an injunction not issue, I am in fact, stymied in my job and vocation when the government Defendants exclude me from *effectively* viewing, *effectively* observing, listening and assessing captured horses, and in assessing the government Defendants' conduct and seeing first-hand, how the Defendants handle horses during their Silver King helicopter roundup operation. To exclude or limit me in my ability to observe, formulate thought and express in reports meant for the public, my observations of the Defendants' handling of wild horses when they capture them from their native lands, ship them and then house or dispose of them, causes me irreparable harm.

24. When I must undergo searches which strips me of the very tools I use to provide photojournalistic thought and impression when reporting to the public, my views and thoughts, I am irreparably harmed from unduly restrictive methods employed at the discretion of the Defendants; and such restriction violates every notion of free speech and expression and of freedom of the press which I was taught as an American citizen, that we as citizens should cherish.

25. I am informed and believe I am censored in my work, in speech, thought, expression and vocation, when this type conduct and activity as what is described herein above, occurs and for which I cannot be compensated monetarily. I am informed and believe when my constitutional freedoms of speech, thought, expression, and free press are taken from me, even just a little, that I have suffered irreparable harm and would continue to do so while the government continues to unilaterally adopt and enforce these unduly restrictive and burdensome methods of denying proper access to observe their activities, and which involve matters of significant public interest, and in which the public and I maintain a right to know what transpires with respect thereto.

This Declaration is made this 30th day of September 2010 in White Pine County, Nevada.

/s/

Laura Leigh, Declarant