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FOR IMMEDIATE RELEASE

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On November 16, 2010, in a Reno, Nevada courtroom packed with observers from as far away as New York, Federal District Judge Larry Hicks held a significant hearing in the lawsuit brought by journalist and wild horse advocate Laura Leigh against the Department of Interior and the BLM.

Leigh's suit champions the public's and her own right to reasonable access to observe all aspects of the government's handling of the wild horses taken from the Silver King herd management area near Ely, Nevada. This lawsuit is based 100% on violations to First Amendment rights. It directly challenges, the Defendants' unconstitutional prior restraints on the Plaintiff's First Amendment rights by denying her reasonable access to wild horse roundups and related activities, to observe and report on all activities from capture, removal, processing, shipping, transportation, housing, and ultimate disposition of wild horses taken during the Silver King wild horse roundup operations (which the BLM euphemistically refers to as "gathers"). Laura Leigh, is a journalist and videographer whose work on wild horse issues has garnered her international attention. It is widely speculated that the video character in an animated video titled "Wild Horse Advocate Meets BLM Security in the Desert" is based on Laura Leigh and the video is gaining in notoriety.

Judge Hicks opened the hearing with his initial impression that the matter became "mooted" when the Silver King roundup ended. Leigh's counsel, Nevada attorney, Gordon Cowan disagreed. He conveyed there remains ongoing offensive conduct, subject to injunctive relief. The offensive conduct includes the repeated denial of public access to those facilities where captured Silver King horses remain "warehoused" and that the lawsuit seeks scrutiny of the BLM's handling of Silver King horses from the moment of their capture to the horses' ultimate disposition or demise. Also, because the public and Leigh had been precluded time and time again from observing wild horses at roundups, Leigh's counsel argued that history demonstrates the same conduct would likely be repeated, which negates "mootness," at least according to the precedential cases provided in the briefs.

Judge Hicks conveyed he would preclude evidence on any issue but the public's and Ms. Leigh's "access" at Silver King. He would allow evidence on disparate treatment of Leigh at Silver King. Judge Hicks would refuse evidence comparing what transpired at past roundups, to what occurred at Silver King, even where such evidence would counter the "mootness" issue.

In a little more than five hours, several witnesses testified on behalf of Plaintiff, Laura Leigh including Deniz Bolbol, Elizabeth Slagsvol, Debbie Coffey. Ms. Leigh also testified. The testimony outlined instances of Ms. Leigh being "dogged" and restricted at every turn, more so than other members of the public and press. Visual access to the capturing of wild horses, according to all witnesses, was nonexistent. The only witness who testified otherwise was BLM's employee, Chris Hanefeld.

One witness equated the BLM's tight restrictions to something akin to North Korean rule rather than an event occurring in America. Another witness testified that she had flown from the East coast and had driven hours by car, with expectations that on a scheduled public observation day, she would be allowed to observe Silver King wild horses captured. She cut short her trip after having been denied observing even one horse captured and finding the BLM's restrictions on the public, to be arbitrary and burdensome. One witness recalled leaving the boundaries of where the public was to remain, only to stumble on the BLM cleaning up a tragedy where a captured stallion had broken its neck due to the BLM's dangerous method of loading horses into chutes. Ms. Leigh described, in detail, several incidents where she was held back from viewing the wild horse roundups, more so than others.

The government was unprepared to offer witnesses. According to reports of observers in the gallery, the judge warned the defendants that they would not get another opportunity to cross examine the witnesses because they are out of jurisdiction and this would be the defense's only opportunity to do so. They chose to not cross-examine the majority of the plaintiff's witnesses with the exception of Deniz Bolbol and Mr. Chris Hanefeld, who is an employee of the BLM. "I thought it was ironic or nonsensical that the public observer witnesses were able to recount clear details of the Round-Up days they were allowed to attend but the BLM employee whose job it is to facilitate the Public observation had difficulty recalling most of the events he was questioned on even when he was relegated to reviewing his pages of notes taken during the round ups" said Dallas Gulley, who attended the hearing. "It was almost farcical when he was asked about one specific event that would seem to be atypical at such Public days which was when a Law Enforcement vehicle suddenly arrived on the scene with Lights flashing. You would think that something of that nature, that occurred just over a month ago and should be out of the norm would not require a BLM Public Relations employee to refer to their notes and still not be able to definitively recall the event."

At the conclusion of the hearing, Judge Hicks expressed his impression that the matter remained mooted, although he agreed to allow the Plaintiff to file a brief outlining what other evidence would have shown had the adverse ruling not been in place. The "adverse ruling" refers to the judge's prior preclusion of the plaintiff submitting evidence of comparisons on "access" at other roundups, evidence of holding facilities elsewhere, evidence of discriminatory access to Laura elsewhere, although submission of evidence of discriminatory access at Silver King was allowed. The brief Judge Hicks has agreed to allow the plaintiff to file would address what the "precluded" evidence would have shown.

Both parties simultaneously exchange briefs 15 days following the hearing. The defense brief is to address their contention that plaintiff submitted "new evidence" after they opposed plaintiff's initial motions.

"Laura Leigh and those who testified on her behalf are the real stars here. They kept their chins up while enduring arbitrary rules and intimidating tactics employed to hide the BLM's handling of these horses. I thought their stories were compelling," Leigh's counsel, Gordon Cowan, conveyed.

The legal actions are supported by Grass Roots Horse, Inc. a non-profit equine welfare and mustang advocacy group.

