

**U.S. DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Valley Meat Company, LLC)

Plaintiff,)

v.)

TOM VILSACK, Secretary
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250)

12-CV-1083-JCG-CG

AL ALMANZA, Administrator,
Food Safety and Inspection Service
U.S. Department of Agriculture
1400 Independence Ave., SW, Room 331-E
Washington, DC 20250)

Defendants.)

**AFFIDAVIT OF MARCY BRITTON IN SUPPORT OF
MOTION TO INTERVENE**

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

I, Marcy Britton, being duly sworn upon oath hereby depose and state as follows:

1. I am over the age of 18 years, and have personal knowledge of the facts contained herein.
2. My address is 1601 Pennsylvania Street, NE, F-3, Albuquerque, New Mexico 87110.
3. I am a volunteer citizen animal cruelty investigator. I have seen first hand the suffering of starving horses, both wild and owned. This tragedy has

grown worse with the closing of horse processing facilities in the United States.

4. I have standing in this matter because my work focuses on preventing and stopping the starvation and suffering of unwanted animals through humane euthanasia. In 1998, with my own money and as an individual, I filed, and won, a landmark lawsuit against the City of Albuquerque for its horrific methods of killing. Euthanizing animals, including horses, is necessary. I have spent the last 40 years insuring that it is done humanely and with oversight. Since we do not have horse slaughter, the only place to take unwanted horses is the auction barn. Auction barns have been under investigation for not killing suffering animals immediately.
5. Should a governmental agency ignore a horse cruelty case because there is no place to take horses, it is possible that I would file a lawsuit (as I have done three (3) times in New Mexico against governmental agencies).
6. I have been involved in matters relating to horse slaughter for approximately 20 years.
7. There are safeguards in place via the United States Department of Agriculture (USDA) for horse processing facilities. I recall cases where the USDA has closed or suspended facilities for inhumane slaughter.
8. I believe that horse meat is safe for human consumption. If New Mexico does not want to sign on for that use, we have zoos, pet food, etc. that could really use the meat.
9. I believe there will be no collateral effects on the environment and that food safety will actually be improved with horse processing facilities. HSUS and APNM propose injecting 1,200 pounds of flesh with toxic sodium pentobarbital. If these carcasses are left outside and/or buried, they will poison the water table and wildlife.
10. It is a tremendous burden both for myself and law enforcement to deal with animal abandonment/starvation cases.
11. As a well-known and respected animal welfare activist, I may be called upon to "do something" about the suffering of the horses that would continue unabated if FSIS is not allowed and/or required to complete inspections.
12. For the last 5 years, I have worked on litigation, investigation, and shutting down of the joint venture of HSUS and APNM's operating mobile slaughter of poultry by injection, in violation of state and federal food

safety laws.

13. I have personal knowledge that HSUS and APNM have and will receive huge amounts of money via their propaganda about the horse dart contraceptive PZP. According to the New Mexico Secretary of Agriculture, Jeff Witte, HSUS fought mightily to have the exclusive contract and payments from the drug company to administer PZP. Mr. Witte said in a recent meeting that although New Mexico and other states have begged HSUS to implement the program, HSUS will not even return phone calls. So, they kept the money, cut APNM in, and have no alternative whatsoever to horse slaughter.
14. HSUS has used state money to kill poultry illegally. Their criminal activity in this regard leads me to believe that they are engaging in systematic racketeering against the plaintiff.
15. HSUS has threatened me personally. My involvement in this matter may cause HSUS to step up their threats against me, but nothing will stop my efforts to open horse processing facilities in the United States.
16. No drugs are used in horse processing facilities -- unlike the methods used by HSUS and APNM. No poisons will be released into the soil or water table.
17. The local community must endure constant publicity about starving/abandoned horses. The "rescues" are filled to capacity. HSUS and APNM continually molest the public and legislature for money so they can "study" the issue. This causes an emotional toll on the local community.
18. New Mexico desperately needs jobs that would open with a horse processing facility. The surrounding economy will also benefit. Excess horse numbers along with the never ending drought are destroying the land.
19. The economic impact is incalculable if horse processing plants are not opened. The only beneficiaries who benefit financially if the horse processing facilities cannot be inspected are HSUS and APNM.
20. There is a positive environmental impact from horse processing facilities. Poisons that HSUS will use would be kept out of the environment.
21. Wayne Pacelle, President and CEO of HSUS, told me to my face (at an HSUS fund raiser in Santa Fe, New Mexico to study Spanish horse descendant's DNA), the following, "I know you have done a lot to reform animal euthanasia but I do not care how shelter or other animals are

killed". All he cares about is animal fighting. I was absolutely astonished!
To me this proves that his only interest in this matter is money.

22. The numerous reasons referenced above is why I wish to join in this litigation.

FURTHER AFFLIANT SAYETH NAUGHT.

DATED this 18 day of February, 2013.

Marcy Britton

Marcy Britton

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was subscribed and sworn under oath before me by Marcy Britton, this 18 day of February, 2013.

Witness my hand and official seal.

Laura Melissa Threet

Notary Public
My Commission Exp: 01/25/2016

