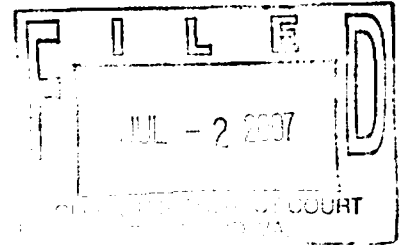


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division



UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 APPROXIMATELY 53 PIT BULLDOGS, )  
 )  
 Defendants. )

Civil Action No.: 3:07CV397

**VERIFIED COMPLAINT IN REM**

Plaintiff, United States of America, by its attorneys, Chuck Rosenberg, United States Attorney for the Eastern District of Virginia, and G. Wingate Grant and Michael R. Gill, Assistant United States Attorneys, bring this complaint and allege as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure for Admiralty, Maritime and Forfeiture Actions:

**NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property: approximately 53 pit bulldogs (hereinafter "defendant property"), for violation of 7 U.S.C. § 2156.

**THE DEFENDANTS IN REM**

2. The defendant property consists of the following property: approximately 53 pit bulldogs seized by the Surry County Sheriff's Department on or about April 25, 2007 from 1915 Moonlight Road, Smithfield, Virginia. The defendant property is currently maintained in various locations throughout the Eastern District of Virginia.

**JURISDICTION AND VENUE**

3. Plaintiff brings this action in rem in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. §1355.

4. This Court has *in rem* jurisdiction over the defendant property pursuant to 7 U.S.C. § 2156. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district, and pursuant to 28 U.S.C. § 1395, because the property is located in this district.

**BASIS FOR FORFEITURE**

6. The defendant property is subject to forfeiture pursuant to 7 U.S.C. §2156 (f) because it constitutes animals involved in violations of §2156(a) - (c). Because this Verified Complaint is being submitted for the limited purpose of establishing the grounds for forfeiture and providing notice to the interested persons, it does not include all of the information known by the government in this investigation. Rather, this Verified Complaint sets forth only those facts necessary to satisfy forfeiture and notice requirements.

**FACTS**

7. On or about April 25, 2007, state investigators executed two search warrants at 1915 Moonlight Road, Smithfield, Virginia.

8. During those searches, the officers recovered and observed numerous items associated with an illegal animal fighting venture, including approximately 54 pit bulldogs.

9. Many of the pit bulldogs recovered or observed in the search had scars and injuries consistent with injuries sustained in dog fighting.

10. Additional items were recovered and observed during the state search warrants executed on April 25, 2007 at 1915 Moonlight Road, Smithfield, Virginia, which are associated with an illegal animal fighting venture. These items include: a blood-stained fighting area; animal training and breeding equipment, including a "rape stand," a "break" or "parting" stick, treadmills and "slat mills;" assorted paperwork documenting involvement in animal fighting ventures; and performance enhancing pharmaceuticals commonly used to increase fighting potential in dogs trained for fighting, as well as to keep injured dogs fighting longer.

11. The defendant pitbulls were part of an animal fighting operation known as "Bad Newz Kennels," made up of a number of individuals connected to and operating a dog fighting venture at 1915 Moonlight Road, Smithfield, Virginia. From 2002 through 2007, members and associates of "Bad Newz Kennels" knowingly sponsored and exhibited pit bull dogs in fighting events occurring at or in: 1915 Moonlight Road, Smithfield, Virginia; Blackstone, Virginia; North Carolina, South Carolina, Maryland, New Jersey and other states. The "Bad Newz Kennels" group used the location at 1915 Moonlight Road as the main staging area for housing and training the pit bulls involved in the dog fighting venture and hosting fights involving "Bad Newz Kennels" and visiting kennels' fighting dogs. Over the years, "Bad Newz Kennels" also purchased numerous fighting dogs that had traveled in interstate commerce from various

locations around the United States, including South Carolina, North Carolina, Maryland, New York, Florida, Arizona, and Texas.

12. Since at least 2002, the members of “Bad Newz Kennels” have sponsored dog fights at 1915 Moonlight Road, Smithfield, Virginia. For these events, participants and dogs traveled from South Carolina, North Carolina, Maryland, New York, Texas, and other states to participate in the animal fighting venture operated by “Bad Newz Kennels.” In sponsoring the dog fights at the Smithfield location, the members of “Bad Newz Kennels” did knowingly sponsor and exhibit an animal in an animal fighting venture, when an animal in the venture was moved in interstate commerce, in violation of 7 U.S.C. § 2156(a). Furthermore, in relation to the same conduct, the members of “Bad Newz Kennels” did knowingly transport, deliver, and receive for purposes of transportation, in interstate commerce, a dog for the purposes of having the dog participate in an animal fighting venture, in violation of 7 U.S.C. § 2156(b).

13. For the dog fights at 1915 Moonlight Road, the opponents would bring pit bull dogs to fight the “Bad News Kennels” dogs, many times crossing state lines. The two dogs participating in a particular fight had to be the same weight and sex. Before a fight would start, the participants would weigh and bathe the dogs. The fighting weight would be established before the fight, requiring the opponent dogs to measure within approximately one-half pound of the set weight. Failure to abide by the fighting weight requirement could result in a scratch or forfeiture of an agreed-upon amount. The opposing dogs were washed before a fight to remove any poison or narcotic placed on the dog’s coat – if the opposing dog would bite the “tainted” dog that was coated with poison or narcotic, this would affect the opposing dog’s performance during the fight. The participants would also sometimes stop feeding the fighting dog before the

scheduled fights, in order to make it hungry for the other dog. The “Bad Newz Kennels” members would sometimes charge an admission fee for those coming to the fights, especially if “Bad Newz” was hosting a fight involving opposing dogs from other kennels. If an admission fee was charged for a particular event, the proceeds were generally used to supplement the funding of the “Bad Newz Kennels” kennel operation.

14. The fights at 1915 Moonlight Road generally occurred late at night or early in the morning, sometimes involved 2-3 separate matches, and would last several hours. Generally, only those accompanying the opposing kennels and “Bad Newz Kennels” associates were allowed to attend the fights. For a particular dog fight, the opponents would establish a purse for the winning side, ranging from the 100's up to 1,000's of dollars. Participants and spectators would also place side-bets on the fight, dependant on the ultimate outcome or certain events occurring during the course of the dog fight. The dog fight would last to the end, which would generally involve the death or surrender of the losing dog. At the end of the fight, the losing dog was sometimes put to death by drowning, strangulation, hanging, gun shot, electrocution, or some other method. The members of “Bad Newz Kennels” would also sometimes “test” the pit bulls in their inventory, determining if a particular dog was “game,” meaning that it would be a good fighter. Sometimes, the dogs deemed not to be good fighters would be put to death. During the execution of a federal search warrant on or about June 7, 2007, investigators uncovered the graves of seven pit bull dogs who were killed by members of “Bad Newz Kennels” following testing sessions in April 2007.

15. Since at least 2002, the operators of “Bad Newz Kennels” themselves and their associates also traveled and transported fighting dogs (including some of the defendant property)


within Virginia and to the other states referenced above for the purpose of participating in organized dog fights. These same operators participated in a number of dog fights in Virginia where opponents, dogs and spectators traveled across state lines to participate in these events. In so doing, the operators of "Bad Newz Kennels" knowingly sponsored and exhibited animals in animal fighting ventures in which any animal in the venture was moved in interstate or foreign commerce in violation of 7 U.S.C. §2156(a). Furthermore, in relation to the same conduct, the members of "Bad Newz Kennels" did knowingly transport, deliver, and receive for purposes of transportation, in interstate commerce, a dog for the purposes of having the dog participate in an animal fighting venture, in violation of 7 U.S.C. § 2156(b).

16. The defendant property constitute animals involved in any violation of 7 U.S.C. §2156, and as such are subject to forfeiture to the United States pursuant to 7 U.S.C. §2156(f).

WHEREFORE, plaintiff prays that due process issue to enforce the forfeiture and to give notice to all interested parties to appear and show cause why forfeiture should not be decreed, and that the defendant property be condemned as forfeited to the United States for disposition according to law, and that the court enter a judgment for costs associated with the care of the defendant property pursuant to 7 U.S.C. §2156(f).

CHUCK ROSENBERG  
UNITED STATES ATTORNEY

By:

  
G. Wingate Grant  
Michael R. Gill  
Assistant United States Attorneys  
600 E. Main Street, Suite 1800  
Richmond, VA 23219  
804-819-5400

**VERIFICATION**

I, Special Agent James Knorr, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Department of Agriculture, Office of the Inspector General, that I have read the foregoing Verified Complaint in rem and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Senior Special Agent of the United States Department of Agriculture, Office of the Inspector General.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated:

*6/29/07*

*SSA James P. Knorr*  
Senior Special Agent James Knorr  
Special Agent

Hudson  
RECEIVED  
3:07 cv 397

JS 44 (Rev. 11/04)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p>United States of America</p> <p><b>(b) County of Residence of First Listed Plaintiff</b> _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> G. Wingate Grant, AUSA United States Attorney's Office; 600 E. Main Street, Suite 1800, Richmond, VA 23219; (804) 819-5500</p>	<p><b>DEFENDANTS</b> <span style="float: right;">2007 JUL -2 P 4:01</span></p> <p>Approximately 53 Pit Bulldogs</p> <p><b>County of Residence of First Listed Defendant</b> <u>Surry</u> VIRGINIA (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) Larry Woodward, Esq.; Southport Centre; 4525 South Boulevard, Suite 300, Virginia Beach VA 23452</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff      <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant      <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width: 100%;"> <tr> <td style="width: 30%;">Citizen of This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 1</td> <td style="width: 10%;">DEF <input type="checkbox"/> 1</td> <td style="width: 30%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 4</td> <td style="width: 10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY - Med. Malpractice</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     6 Multidistrict Litigation     7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
Title 7, United States Code, Section 2156(f)

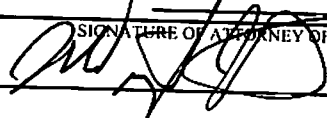
Brief description of cause:  
Forfeiture of approximately 53 pit bulldogs involved in violation of Title 7, United States Code, Section 2156.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23      DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
 JURY DEMAND:     Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):      JUDGE \_\_\_\_\_      DOCKET NUMBER \_\_\_\_\_

DATE 7.2.07      SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_