



FIX OUR SHELTERS
Sacramento, CA 95831

Date: February 14, 2026

VIA ELECTRONIC MAIL

RE: CEASE AND DESIST — DEMAND TO IMMEDIATELY STOP ONGOING VIOLATIONS OF CALIFORNIA ANIMAL PROTECTION LAWS (HAYDEN’S LAW AND RELATED PROVISIONS)

Our nonprofit, Fix Our Shelters (FOS), and statewide coalition of rescue and advocacy partners (collectively, “FOS”) exist to prevent animal abuse and suffering and to ensure lawful, humane sheltering across California.

This letter serves as a formal notice and demand, supported by our legal team, that [Shelter / Agency Name] (“You”) immediately cease and desist from ongoing practices that violate California’s animal protection laws commonly referred to as “Hayden’s Law,” as well as other applicable statutes, contract obligations, and public duties.

You are obligated to abide by the following laws:

- Civil Code §§ 1815, 1816, 1834, 1834.4, 1845, 1846, 1847, 2080
- Food & Agricultural Code §§ 17005, 17006, 31108, 31752, 31752.5, 31753, 31754, 32001, 32003
- Penal Code §§ 597.1, 599d

More specifically, Civil Code section 1834 provides: “A depository of living animals **shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly**. Any depository that fails to perform these duties may be liable for civil damages as provided by law.” (Emphasis added.)

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Civil Code section 1846 states in part:

(a) A gratuitous depositary **must use, at least, slight care** for the preservation of the thing deposited.

(b) A gratuitous depositary of a living animal shall provide the animal with **necessary and prompt veterinary care, adequate nutrition and water, and shelter, and shall treat it humanely** and, if the animal has any identification, make reasonable attempts to notify the owner of the animal's location. Any gratuitous depositary that does not have sufficient resources or desire to provide that care shall promptly turn the animal over to an appropriate care facility. ...

(Emphasis added.)

Further, California law imposes mandatory intake duties on local public agencies. Civil Code section 1816(a) provides: "A public agency or shelter with whom an abandoned animal is deposited in the manner described in Section 1815 is bound to take charge of it, as provided in Section 597.1 of the Penal Code." Penal Code section 597.1 states that **animal control officers** (and other authorized officers) **shall take possession of stray and abandoned animals**. Food & Agric. Code section 31754 further explains that owner-relinquished animals are to be treated the same as strays.

Moreover, the Hayden Act requires that, **before euthanizing an impounded animal, the shelter shall release the animal to a nonprofit animal rescue or adoption organization** if requested before the scheduled euthanasia. (Food & Agric. Code § 31108(b)(1) (dogs); § 31752(c)(1) (cats); § 31753 (other impounded animals); and § 31754 (owner-relinquished animals).) This duty is non-discretionary; "shall" is mandatory. The narrow statutory exception relevant to release is where the animal is "irremediably suffering from a serious illness or severe injury." (Food & Agric. Code § 17006.) Policies that condition rescue release on "partner" status, impose multi-week approval delays, or otherwise create non-statutory barriers that defeat timely release are unlawful. (See, for instance, *Santa Paula Animal Rescue Center, Inc. et al. v. County of Los Angeles* (2023) 313 Cal. Rptr. 3d 566, reh'g denied (Oct. 16, 2023), review denied (Dec. 13, 2023).)

California law also **requires that dogs and cats be spayed or neutered before being released** for adoption by public animal control agencies or shelters, humane societies, SPCAs, and rescue groups, subject only to narrow veterinarian-certified health exceptions that require a sterilization deposit and written agreement. (See Food & Agric. Code §§ 30503, 30520 (dogs) and §§ 31751.3, 31760 (cats).) Where animals are offered for adoption through pet store display space or similar retail venues, Health & Safety Code section 122354.5 restricts displays to sterilized animals, including rabbits.

Additionally, You are obligated to comply with all applicable state and local animal welfare laws, contract requirements governing publicly funded sheltering, and general duties to provide humane care, lawful process, and transparency.

It is worth noting too that **public agencies and their employees may not retaliate against volunteers, rescuers, fosters, or members of the public** for engaging in constitutionally protected speech or petitioning activity about shelter conditions or legal compliance. Threats or actions that suspend volunteer access, adoption/rescue privileges, or impose bans as punishment for speaking out can chill protected activity and may be actionable as First Amendment retaliation under 42 U.S.C. § 1983.

Based on reports, documentation, and community complaints received by FOS (including public statements, shelter postings, and records requests), You are alleged to be engaging in one or more of the following unlawful actions:

- **Abandonment of animals**: Turning animals away or employing “reduced/managed intake” practices that result in abandonment, suffering, and unlawful denial of sheltering protections.
- **Unlawful euthanasia**: Euthanizing healthy, adoptable, and/or treatable dogs and cats without fully exhausting lifesaving options, including rescue transfer, foster, and adoption opportunities.
- **Failing to provide required holding periods**: Failing to provide required holding periods, notice, and due process before disposition, including when an animal is labeled “dangerous” or otherwise restricted.
- **Denial or obstruction of rescue access**: Denying or obstructing rescue access (including delayed responses, limited access windows, incomplete listings, or arbitrary barriers) that function as a constructive refusal to release animals.
- **Failure to provide humane conditions**: Maintaining animals in deplorable, unsafe, overcrowded, and/or unsanitary conditions, including inadequate food, water, sanitation/hygiene, ventilation, temperature control, disease control, and environmental protections.
- **Failure to provide prompt veterinary care and failure to sterilize**: Failing to provide prompt and appropriate medical and veterinary care, including triage, treatment, pain management, and timely emergency intervention; unlawful release/transfer of intact animals.
- **Abandonment of animals**: Turning animals away or employing “reduced/managed intake” practices that result in abandonment, suffering, and unlawful denial of sheltering protections.
- **Retaliation against lifesaving partners**: Retaliating against, banning, blacklisting, restricting or otherwise interfering with volunteers, fosters, rescue/adoption partners, whistleblowers, or members of the public who raise concerns about shelter conditions, turn-aways, disease outbreaks, euthanasia practices, or legal compliance; imposing partner-program or other non-statutory hurdles that delay or deny mandatory rescue release before scheduled euthanasia; and/or using vague or opaque “behavior” labels to defeat rescue requests without documented basis.

FOS has received (and will continue to collect) photographs, videos, and case documentation depicting animals housed in feces or otherwise unsanitary kennels; animals found deceased or in medical crisis without timely care; and animals turned away and left on streets and in the elements without vaccination, sterilization, or sheltering protections—resulting in preventable suffering, abandonment, and death. Representative examples will be provided as exhibits and/or through public records in support of enforcement.

This letter does not attempt to list every factual instance. You should anticipate that FOS may supplement this notice with additional evidence, including animal case examples, photos/video, witness declarations, and responsive public records.

Demand for Corrective Action

We demand that You immediately cease and desist from the unlawful practices described above and implement the following corrective actions without delay:

1. Cease any intake restriction or “managed/reduced intake” practice that results in abandonment or unlawful denial of sheltering protections; implement a lawful, documented intake triage process that prioritizes humane outcomes and compliance.
2. Halt the euthanasia of healthy, adoptable, and treatable animals except where legally permitted and fully documented, and ensure animals are made available for adoption, foster, and rescue transfer during applicable holding and release periods.
3. Ensure strict compliance with statutory holding periods and maintain complete, auditable records for intake date/time, hold calculations, owner-contact efforts, medical status, and final disposition.
4. Adopt and publish a rescue access protocol that provides timely communication, reliable points of contact, consistent access hours, and a nondiscriminatory release process.
5. Provide timely veterinary evaluation and treatment, including emergency care when warranted. Ensure every animal receives humane, adequate nutrition **at least once daily**, with feeding amounts based on the animal’s weight, condition, and life stage (for example, nursing mothers and emaciated dogs must receive enhanced nutrition and increased food). Animals suffering from starvation must be re-fed cautiously using **small, frequent meals** to avoid serious health risks. When multiple dogs are housed in a single kennel, **care must be taken to prevent food-related aggression**, including separate feeding as necessary, to avoid fighting and injury. Maintain **clean, potable water at all times**, along with appropriate shelter from extreme heat or cold, and ensure proper hydration, sanitation, and safe housing conditions at all times
6. Cease and desist from adopting out, releasing, transferring custody, or otherwise placing intact dogs or cats in violation of California’s mandatory sterilization laws. Sterilization must be completed prior to adoption as the default. Where a licensed veterinarian certifies that sterilization would be detrimental due to illness or injury, You must follow the statutory exception requirements, including a refundable sterilization deposit, a written sterilization agreement, prompt scheduling of the procedure, and documented tracking/enforcement to ensure timely compliance. You must not use “foster-to-adopt,” “trial adoption,” or similar placement programs as a workaround to place intact animals with adopters or to evade these safeguards. Where animals are offered for adoption through pet store display space or similar retail venues, You must ensure compliance with Health & Safety Code section 122354.5, including the requirement that displayed dogs, cats, and rabbits are sterilized.
7. Implement internal controls and supervisory review for all euthanasia decisions and all denials of rescue release, including written reasons and appeal/escalation pathways.

8. Cease and desist from retaliatory or viewpoint-based restrictions on volunteers, fosters, and rescues. Adopt and publish a written, viewpoint-neutral volunteer/foster/rescue policy with objective criteria, written reasons for any restriction, and a prompt appeal process. Do not condition access to animals or programs on silence, non-disparagement, or other “gag” requirements.
9. Cease imposing any non-statutory restrictions that delay or deny mandatory rescue release before euthanasia (including partner-program requirements or multi-week approval processes). Implement a rapid rescue-request pathway and provide written reasons, with specific statutory basis, for any denial of rescue release (including documentation supporting any claim that an animal meets the narrow exception in Food & Agric. Code section 17006).

Preservation of Evidence

You are hereby on notice that we demand You take action to preserve all evidence potentially relevant to the above matters, and to prevent the intentional or accidental deletion or spoliation of any evidence, including, but not limited to:

- Intake logs, appointment/turn-away records, stray-hold calculations, and disposition outcomes;
- Internal communications regarding reduced/managed intake, turn-aways, rescue access, euthanasia criteria, and shelter conditions;
- Euthanasia logs, supporting determinations, and behavioral/medical assessments;
- Medical/veterinary records, treatment logs, vaccination logs, and medication administration records;
- Rescue communications, transfer requests, denials, and reasons;
- Volunteer, foster, and rescue partner files and communications, including bans/suspensions, trespass notices, partner-status decisions, do-not-release flags, complaint files, and internal discussions referencing critics or whistleblowers;
- Capacity reports, kennel counts, population management policies, and emergency overflow procedures;
- Photographs, videos, and surveillance footage related to animal housing, treatment areas, and intake/holding spaces.

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There is evidence that we believe You have or hold which is pertinent to the case and is thus deemed to be under Your control. And therefore, the litigation hold for all evidence and electronically stored information (“ESI”) shall apply to You. You are required to maintain and preserve any and all evidence and/or ESI on all computers, tablets, flash drives, CD Rom discs, handheld devices, smartphones, and/or any other media, whether digital or non-digital. Even more specifically, the ESI to be preserved includes, but is not limited to, all “Writings” as defined by California Evidence Code section 250, which states:

“Writing” means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

We hereby request that this demand to preserve all evidence take place immediately, and that all individuals and/or entities who may have access to evidence and/or ESI be further informed to this request, of which You are now officially on notice. Failure to comply with this request could result in seeking sanctions, costs, attorney's fees, and/or adverse inference jury instruction(s), as well as any other remedies that may be available under the law.

Please provide a written response within ten (10) calendar days of receipt of this notice to Ryther Law Group, LLP (via email at jill@rytherlawgroup.com and sarah@rytherlawgroup.com), confirming:

- Whether You dispute any allegations (and the factual and legal basis for each dispute);
- The corrective actions You have taken and will take, with specific dates;
- The name and title of the person responsible for implementing compliance measures and serving as point of contact.

FOS reserves all rights and remedies, including referral to appropriate oversight entities and pursuit of injunctive relief and any other lawful relief.

Absent swift corrective measures, we reserve our rights to pursue all available legal remedies, including injunctive relief via a writ of mandate, civil penalties, punitive damages for gross negligence (Civil Code section 3340), and recovery of attorneys' fees and costs pursuant to Code of Civil Procedure section 1021.5.

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We seek prompt resolution and invite immediate dialogue to address these critical issues before we resort to litigation. Please contact us via our attorneys' office as soon as possible to discuss corrective actions. They can be reached at jill@rytherlawgroup.com and sarah@rytherlawgroup.com for the fastest receipt and processing.

Sincerely,

Julie Virga

Julie Virga,
President

Fix Our Shelters (FOS), a California
501(c)(3), and its statewide coalition of
rescue and advocacy partners

Signatories in support,

Counsel for Fix Our Shelters



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