

**IN THE IOWA DISTRICT COURT FOR WORTH COUNTY**

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**WORTH COUNTY, IOWA,  
Plaintiff,**

**vs.**

**BARBARA J. KAVARS,  
Respondent.**

**CASE NO. CVCV012607**

**PLAINTIFF'S RESPONSE TO  
RESPONDENT'S MOTION**

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**COMES NOW**, Kelsey A. Beenken, Assistant Worth County Attorney, and in support of Plaintiff's Response to Respondent's Motion, states as follows:

1. Admit.
2. Admit. Plaintiff further states that Plaintiff submitted responses to all of Respondent's inquiries on the same date said inquiries were submitted to Plaintiff.
3. Deny. Respondent's inspection of Rescued Animals during the pendency of the dispositional case is not authorized nor mandated by Iowa law.
4. Deny. Provision of information regarding Rescued Animals during the pendency of dispositional case is not mandated by Iowa law. However, Plaintiff states that Plaintiff has already voluntarily provided information to Respondent regarding the cat identified as 1C-014 (humanely euthanized) and the cat identified as 1C-013 (ill).
5. Deny in part. Respondent's access to Rescued Animals is not authorized nor mandated by Iowa law. However, Plaintiff would voluntarily agree to allow Respondent, at Respondent's expense, to choose an Iowa-licensed veterinarian to inspect the cat identified as 1C-013 at a location of Plaintiff's choosing and in a reasonable time and manner. Plaintiff would request that Respondent not be present at the time of examination as Respondent is not a licensed veterinarian nor is her presence necessary.
6. Deny. Plaintiff is under no legal obligation to provide information regarding Rescued Animals during the pendency of the dispositional case. Information was provided as deemed appropriate.
7. Deny. Plaintiff is under no legal obligation to provide information regarding Rescued Animals during the pendency of the dispositional case. Further, Respondent was notified prior to euthanasia occurring.

8. Deny. The ASPCA, acting as agent of the Local Authority, has taken only action deemed ethically and medically necessary as the caretaker of the Rescued Animal to discontinue the unnecessary and painful suffering of the animal.
9. Deny. Access to Rescued Animals is not authorized or mandated by Iowa law or court order, nor is it appropriate.
10. Admit. Plaintiff has fully complied with said Order. Plaintiff was specifically directed to only move the Rescued Animals if the lease was not renewed. Plaintiff was able to renew the lease terms, and therefore could not and did not move the animals outside of Worth County, Iowa.
11. Admit in part. As directed by the Court and requested by Respondent herself, Plaintiff arranged to keep the animals in Worth County, Iowa. Because the animals were not moved, Respondent was not authorized to visit the animals under the existing court order dated December 4, 2018.
12. Admit that counsel for Respondent asked the undersigned if Plaintiff would consent to allowing Respondent to visit the Rescued Animals, and admit that Plaintiff stated it would resist such request due to the nature of the allegations against Respondent and the pending case. There is no authority under Iowa law or the current court order authorizing or requiring Plaintiff to allow Respondent access to the Rescued Animals.
13. Deny. Access, inspection, and disclosure of records are not authorized or mandated by Iowa law.
14. Plaintiff has preserved the remains of the cat identified as 1C-014 for the purpose of returning said remains to Respondent.

**WHEREFORE**, Plaintiff respectfully requests the Court defer its ruling on this motion until a ruling is issued regarding Disposition of the Rescued Animals, as such order would effectively resolve all of the issues presented by Respondent. Alternatively, Plaintiff respectfully requests the Court order as follows:

- A. Deny Respondent's request to personally access the currently ill cat identified as 1C-013, or alternatively, authorize an Iowa-licensed veterinarian of Respondent's choosing to examine the animal at Respondent's expense and in a reasonable time, place, and manner.

- B. Deny Respondent's request for care records of each of the Rescued Animals.
- C. Deny Respondent's request to access, inspect, and examine the Rescued Animals.
- D. Authorize Plaintiff to return the remains of the cat identified as 1C-014 to Respondent in a reasonable time and manner.

Dated this 1<sup>st</sup> day of January, 2019.

/s/ Kelsey A. Beenken

Kelsey A. Beenken

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