

**Plaintiffs' Exhibit 13**  
**Motion To Compel Inspections**  
**(Civ. No. 03-2006 (EGS/JMF))**

FILED

JR

DISTRICT COURT  
CLARK COUNTY, NEVADA

SEP 20 4 47 PM '89

*Luetta L. Luman*  
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BOBBY BEROSINI, LTD., )  
a Nevada corporation, and )  
BOHUMIL BEROUSEK a/k/a )  
BOBBY BEROSINI, individually, )

Plaintiff, )

vs. )

PEOPLE FOR THE ETHICAL )  
TREATMENT OF ANIMALS, a/k/a )  
PETA, a Delaware non-profit )  
corporation; PERFORMING )  
ANIMAL WELFARE SOCIETY, )  
a/k/a PAWS, a California )  
non-profit corporation; )  
JEANNE RAUSH, OTTAVIO )  
GESMUNDO; SIMONE TURNER; )  
JANE RAWSON; SEAMUS BRENNAN; )  
LINDA LEVINE; SHARON WILLARD; )  
PAT DERBY; and DOES I through )  
X, inclusive, )

Defendants. )

PEOPLE FOR THE ETHICAL )  
TREATMENT OF ANIMALS, a/k/a )  
PETA, a Delaware non-profit )  
corporation, )

Counter- )  
claimant, )

vs. )

BOBBY BEROSINI, LTD., )  
a Nevada corporation, and )  
BOHUMIL BEROUSEK a/k/a )  
BOBBY BEROSINI, individually, )

Counter- )  
defendant. )

CASE NO. A 276505  
DEPT. NO. XII  
DOCKET NO. "R"

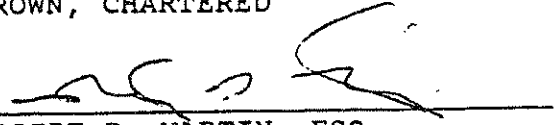
DEFENDANTS' FIRST EXPERT REPORT

COMES NOW People for the Ethical Treatment of Animals  
("PETA"), by and through their counsel of record, Jones, Jones,  
Close & Brown, Chartered, and hereby files its first expert

1 report as prescribed by the Discovery Commissioner. Based upon  
2 this expert report, a second examination will be requested in the  
3 near future. Because of the attempts to intimidate and interfere  
4 with the examination which occurred during the first examination,  
5 for the subsequent examination this Court will be requested to  
6 set appropriate conditions and guidelines.

7 DATED this 20<sup>th</sup> day of September, 1989.

8 JONES, JONES, CLOSE  
9 & BROWN, CHARTERED

10 By   
11 ROBERT D. MARTIN, ESQ.  
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14 300 So. Fourth Street  
15 Las Vegas, NV 89101-6026

16 ATTORNEYS FOR DEFENDANTS,  
17 PETA, JEANNE ROUSH, OTTAVIO  
18 GISMUNDO, SIMONE TURNER,  
19 JANE RAWSON, SEAMUS BRENNAN,  
20 LINDA LEVINE and SHARON  
21 WILLARD

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Findings of Expert Examiners of Berosini Orang-utans,  
September 12, 1989

On September 12, 1989, and pursuant to court order, three expert observers, Michael J. Wolff, D.V.M., Robert M. Stone, D.V.M., and Robert W. Shumaker, primate behaviorist, observed seven Berosini orang-utans for approximately two hours at the Berosini residence in Las Vegas. Drs. Wolff and Stone also performed a physical examination of the animals. Those animals are:

1. Tiga, 21 year old adult female
2. Popi, 18 year old adult female
3. Rusty, 14 year old adolescent male
4. Benny, 10 year old juvenile male
5. Bo, 7 year old juvenile female
6. Lucy, 5 year old juvenile female
7. Nicky, 5 year old juvenile female

Drs. Stone and Wolff after extensive examination of the animals were able to reach the following conclusions:

1. Physical lesions consistent with those that would be produced by the blows shown in the PETA Berosini Orang-utans videotape.
2. Apprehension and distress in the orang-utans, including distress vocalizations.
3. Evidence of discomfort in certain areas of the body.

In addition to the above findings, supporting physical injury, Drs. Stone and Wolff remain concerned about the following issues:

1. Inadequate housing for the animals.
2. Routine surgical extraction of the canine teeth.
3. Social deprivation of the animals.
4. No opportunities for breeding and reproduction.
5. Lack of routine tuberculosis testing of the animals.

The specific findings concerning each of the animals examined is as follows:

A. Tiga

1. Bilaterally, diffuse, reddened, alopecic (devoid of hair), hyperpigmented forearms and orange/bronze skin discoloration indicative of chronic inflammation and irritation consistent with stereotypic self-mutilation.
2. A focal, approximately 7-8 cm diameter warm, elevated, subcutaneous, soft tissue lesion located over the dorso-medial extremity of the right scapula (shoulder blade), and a similar 2-3 cm lesion located over the lower left scapula, which are indicative of localized swelling and inflammation consistent with traumatic blows of the variety observed on the PETA videotape.
3. Apprehensive demeanor, including looking nervously over her shoulder.
4. Deficient muscular development in both arms consistent with inadequate opportunities for upper body exercise.
5. Appeasement/distress vocalizations exhibited frequently during restraint by Berosini and assistants.
6. Stress indicated by immediate urination when first approached by Berosini.

B. Popi

1. Absence of all four canine teeth consistent with surgical extraction.
2. Roughened thickening of soft tissue along mid-dorsal neck indicative of changes observed in association with traumatic blows of the variety seen in the PETA video.
3. Gentle shoulder palpation elicited wincing, guttural stress vocalizations and postural shifting, indicative of tenderness and apprehension.
4. Stress indicated by immediate urination when first approached by Berosini, accompanied by frequent submissive/distress vocalizations.
5. Prolonged disorientation upon emerging from enclosure (bus), characterized by slow body movements and dulled facial expression.

C. Rusty

1. Absence of all four canine teeth consistent with surgical extraction.

2. Approximately 6-8 cm long, 2 cm raised, oval soft tissue lesion located at proximal lumbar dorsal midline (mid-back) characterized by thickened, possible hyperkeratotic, hyperpigmented, alopecic tissue, consistent with the chronic granulation tissue. The orientation of the lesion (long axis horizontal) and the lack of ulceration are more consistent with lesions produced from chronic blunt trauma of the variety expected from the shape and mode of use of the instrument seen used by Berosini in the PETA video, than they are from chronic pressure lesions (bedsores). [Photos taken]
3. Frequent submissive/distress vocalizations exhibited during restraint by Berosini and assistants.
4. Excessive diffuse dental tartar present.
5. Stress indicated by immediate urination when first approached by Berosini.
6. Restraint and precautions were intensified, verbally and physically, by Berosini and the handlers suggesting increased relative difficulty in controlling this animal.
7. Atypical apprehension and sensitivity characterized by postural wincing and submissive/distress vocalizations as Berosini reached towards the genital region of the animal.

D. Benny

1. Stress indicated by immediate urination and defecation accompanied by submissive/distress vocalizations when first approached by Berosini.
2. Multiple, bilaterally, asymmetrical, linear, irregular, indented, pigmented lesions located proximo-lateral zygomatic region (cheekbones) indicative of healing soft tissue lesions consistent with the type of facial blow delivered to this particular ape on the PETA video. [Request for photos refused by Berosini and associates]

E. Lucy

1. Unremarkable findings.

F. Bo

1. Unremarkable findings.

G. Nikki

1. Recent healing 1.5 cm linear traumatic skin lesion over brown region of right eyelid -- indeterminate cause [Photo taken].

The preliminary inspection of the Berosini orang-utans was hindered by several factors:

1. Inconsistent information concerning which animals were used in stage performance, and how often.
2. Inconsistent information on animal housing facilities, i.e., where the animals are housed and for what period of time.
3. Inconsistent lengths of examination time for each individual animal.
4. Denial of prior permission to re-examine individual animals, i.e., request denied to re-examine and photograph Benny.
5. Excessive number of unidentified personnel that were not previously approved by both parties or the Court, whose presence interfered with the examination.

SUMMARY

The physical examination findings and behavioral observations made support charges of animal abuse and are consistent with the events depicted on the PETA orang-utan videotape. Inspection of the physical facilities and general animal management practices, as requested previously, could serve to provide insight into whether additional factors broaden the scope of the abuse.

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