

STATE OF WISCONSIN	CIRCUIT COURT	DANE COUNTY	<i>For Official Use</i>
STATE OF WISCONSIN	DA Case No.: 2025LC000403		
Plaintiff,	Court Case No.: 2024JD000001		
vs.		REPORT OF SPECIAL PROSECUTOR	
RIDGLAN FARMS			
Defendant.			

The State of Wisconsin, by District Attorney Tim Gruenke, is providing this report to answer the inevitable questions from the public, media, petitioners, and other interested parties. Although not required, this report is being written to provide information to anyone interested in this case.

BACKGROUND

La Crosse County District Attorney Tim Gruenke (Gruenke) was appointed special prosecutor by Judge Lanford on February 5, 2025. This appointment was done pursuant to Wis. Stat. §968.02(3), a statute that allows citizens to request judicial issuance of a complaint if there is probable cause that a crime may have occurred and the District Attorney has refused to issue a complaint.

After being appointed, Gruenke and other La Crosse County Assistant District Attorneys began its investigation of the case. This involved reviewing the documents and exhibits used in the Dane County proceeding and information from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCAP) regarding their investigations into Ridglan Farms. Gruenke and his staff also communicated with DATCAP staff understand their involvement in the case. Gruenke also received numerous e-mails, calls, and letters from animal rights advocates from around the country including non-profit organizations, veterinarians, law professors, and other interested parties. Finally, Gruenke and his staff reviewed the applicable Wisconsin law and legal issues involved in the case.

As the review continued, Gruenke was contacted by attorneys for Ridglan Farms to understand their position and explore possible resolutions of the case.

Gruenke is grateful to all who provided information and input to inform the decision making process. There were many legal issues and animal abuse issues that were both novel and complicated, and information from all perspective was helpful in reviewing the case.

INVESTIGATIVE STEPS

Whenever a prosecutor is considering filing criminal charges, they are looking not only for probable cause to charge a crime, but whether there is sufficient evidence to convict beyond a reasonable doubt. If a charge cannot be proven at trial, charging will not achieve a desired outcome and may waste scarce system resources.

With that in mind, the La Crosse prosecutors began to identify what charges could be brought against Ridgland Farms within the purview of our assignment by Judge Landon. Gruenke began to put the potential charges into separate categories based on the findings of Judge Landon.

- A. Cherry Eye Procedures
- B. Devocalization
- C. Proper Shelter and Space Requirements
- D. Sanitation Standards and Ventilation Standards
- E. Improper Enclosures Causing Injury

Gruenke reviewed the testimony and exhibits presented to Judge Lanford at the “John Doe” hearings Dane County Circuit Court. Consideration was given for the need for additional investigation, including contributions from law enforcement or some other regulatory agency. Consideration was also given to issuance of subpoenas or search warrants to seize business records from Ridgland Farms. These tactics became unnecessary when Ridgland attorneys agreed to provide any records requested by Gruenke.

Ridgland Farms provided voluminous documents for review including business records, health records, inspection reports from DATCAP and the USDA, and letters explaining the potential legal and factual defenses that could be raised.

Given the cooperation of Ridgland Farms and their attorney Gruenke decided it would be appropriate to explore resolution of the case prior to filing possible charges rather than afterward.

Although this approach would not necessarily impact any final outcome, it could, and we believe did, result in an informed and streamlined agreement to resolve the matter.

DATCP INVOLVEMENT

At the same time discussions were continuing with Ridgland Farms, DATCP continued their own parallel investigations and inspection process. Through communication with DATCP and the Dane County District Attorney, it was decided that Gruenke would also take over any potential DATCP prosecution since so much time was already devoted to similar issues.

VETERINARY LICENSING BOARD ACTION

Gruenke also learned that the Wisconsin Veterinary Licensing Board (Vet Board) was investigating veterinarians employed by Ridgland Farms in connection with cherry-eye procedures. That added a point of clarity because if the Vet Board did not see a violation, it would be difficult to argue there was a basis for a criminal charge. On the other hand, if the Vet Board concluded the procedure fell below current acceptable standards, it would strengthen a claim that animal abuse had occurred.

DANE COUNTY BOARD ACTION

Gruenke also was informed that the Dane County Board was considering a Resolution to cancel the license of Ridgland Farms. This had little impact on the investigation, but added one more consideration to the parties in exploring resolution.

CHARGING DECISION

After considering all of the various sources of information, Gruenke concluded there was only one viable area of prosecution supported by the law and facts – the so-called Cherry Eye procedures. Other claims Gruenke concluded could not be proven to involve criminal conduct included:

a. Devocalization – The only eye-witness evidence of devocalization was from a former employee that left in 2010. There were no records, witnesses, or inspections that indicated any de-vocalization procedures were done within the last 6 years. Being outside the statute of limitations (6 years for a felony, 3 for a misdemeanor) Gruenke decided there was no need to further investigate incidents for which the statute of limitations had run.

b. Proper Shelter and Space Requirements – The inspections done by DATCAP and the USDA showed that any deficiency in the shelter had been corrected. Gruenke also considered that this type of violation is not necessarily a criminal offense. Any farm, factory, or business subject to Fire Codes, OSHA, or DATCP inspections will say that the existence of a violation that is remedied is a common occurrence, and not necessarily the basis for a criminal charge. Based on the more recent visits to the farm by DATCAP it was confirmed that the shelter was of adequate size. It was also confirmed the size of the wire cages was in compliance with USDA and DATCAP requirements.

c. Sanitation and Ventilation Standards – There were competing findings about sanitation at Ridgman Farms. However, there were no specific findings that the business failed to clean the building the beagles were housed in. DATCP investigators did not provide an opinion that sanitation and ventilation were chronic to the level of criminal liability.

d. Improper Enclosures Causing Injury – There was testimony about dogs having wounds on their feet, a dog that was limping, and a photo exhibit of a dog with an injury to its paw. One photo used to demonstrate that there was an injury also contained a tag that indicated that dog was housed in an isolated cage used for health treatment, a fact not raised in the John Doe hearing. In order to sustain criminal charges, Gruenke concluded more proof would be necessary. Any farm of this size would have dozens of animals with various wounds and health problems. If the conditions were causing the injuries one would expect many of dogs with injuries, not a handful. Ridgman Farms and DATCAP inspectors both confirmed that dogs were routinely separated and treated for injuries.

All of the above issues involved additional concerns. A significant portion of the testimony was from three witnesses that Gruenke believed had credibility issues. Some had not been there recently, others were there only for a short time and there was evidence of bias that would typically weaken any claim before a jury. Their testimony was in conflict with that of several full time employees of Ridgman Farms, USDA inspectors, DATCAP inspectors, and other accreditation inspectors over a long period of time.

We also considered that USDA inspectors are handicapped due to a lack of resources and may not always be able to conduct a thorough investigation. Even if that is true, the USDA inspectors are still veterinarians who inspected the facility multiple times over the years at issue and found nothing wrong.

If the conditions were inadequate to the level of criminal liability one would expect it would have been noticed and reported previously. Nor were there complaints for those who purchased the dogs that they were not well. This led Gruenke to believe a jury would not convict Ridgman Farms based on the available contested evidence.

That leaves the cherry-eye procedures. This procedure involves removing a part of the dog's eye gland because it is swollen or prolapsed. Ridgman Farms routinely allowed non-veterinarians to conduct the surgery. They did not use general anesthesia, which resulted in pain to the animals and potential aftercare pain. Unlike other claims, the procedures were done well within the statute of limitations. The Vet Board and DATCP determined that the way Ridgman Farms personnel did the cherry-eye procedure (until recently) did not meet current standards of veterinary care in Wisconsin. The records provided by Ridgman Farms themselves showed proof of the occurrences.

Gruenke concluded this procedure was in fact animal mistreatment as defined under the statute and could be charged.

LEGAL ISSUES

Once it was determined there was a criminal charge that could be issued and proven to a jury, Gruenke and the Ridgman Farm attorneys discussed other issues that could arise. These discussions spanned months and involved additional research.

Special prosecutor. While Judge Lanford found she had the authority to appoint Gruenke as special prosecutor, another Dane County Judge found that he did not have such authority under the same statute. Judge Ehlke in 22-JD-05. Although Gruenke believes Judge Lanford correctly applied the statute, this issue invariably would inject delay and uncertainty into the resolution of the case.

Immunity under the law. Ridgman Farms made clear they would argue that because they conduct research, and all of the dogs being bred would also be for research purposes, the Wisconsin statutes do not apply to them. “**951.015(3)** *This chapter does not apply to... Teaching, research, or experimentation conducted pursuant to a protocol or procedure approved by an educational or research institution, and related incidental animal care activities, at facilities that are regulated under [7 USC 2131 to 2159](#) or [42 USC 289d](#).*” Gruenke decided he could argue against this position successfully,

because the dogs being bred were not specifically used in Ridgland Farms research. But, it was also possible a judge may disagree and find Ridgland Farms is immune from prosecution. This also created an element of uncertainty in the outcome of a decision to file criminal charges.

Surgery v. procedure. Ridgland Farms could argue that the cherry-eye procedure was not a “surgery” but just a “procedure,” and therefore could be delegated to another worker under the direction of a veterinarian. Gruenke decided he could successfully argue it is a surgery.

Euthanasia. A reality of agriculture is that animals are often euthanized, often for economic reasons. This reality merits consideration in the decision to prosecute an offense as criminal. In the end, Gruenke decided this fact alone should not result in a decision to decline charges, given the standards of veterinary medicine, even though many juries would likely disagree. After considering all the issues, Gruenke concluded there was sufficient evidence to charge a criminal offense. This being so, the next consideration becomes what would constitute a reasonable outcome.

RESOLUTION

In all cases in which a crime could be charge there is a basic question –what is the goal of prosecution? It could be prison, probation, a fine, restitution, intervention, prevention, deterrence, or other outcomes. Gruenke had multiple meetings with advocates that wanted to seize the dogs and close the business. This was not viable as there was no legal basis to do so. The dogs related to the surgery had likely long ago been sold. Gruenke had records and admissions the procedures happened so the actual dogs were not needed for evidence. There was also no ability for a District Attorney to order the business to shut down or order the license to be revoked. Several of the remedies suggested were simply not available. The most Gruenke could do was charge a crime.

Various outcomes were explored until the State and Ridgland Farms settled on the current resolution – Ridgland Farms agrees to shut down its dog sale and breeding-for-sale operations in exchange for the State not prosecuting the alleged violations. This will end the mass breeding and sale of thousands of Beagles for research. The company can still conduct research and breed their own dogs to use in research performed at Ridgland Farms – this possibility was outside the scope of the prosecution given the nature of the court’s appointment. As noted, the existence of several novel substantive and

procedural issues would create a risk that any conviction might be reversed on appeal. And, as in all cases, there is the possibility that the prosecution of some or all of the violations would have been unsuccessful at the trial court level in front of a jury. All things considered, Gruenke believes the resolution reached is the best outcome given all the circumstances.

EQUITY CONSIDERATIONS

Aside from the legal and factual issues in this case, Gruenke also considered the prosecution in context of other businesses, farms, and citizens under supervision of DATCAP and other regulatory agencies. While any claims of animal mistreatment are upsetting to many, others who work in the agriculture and food productive industry often have different views.

Gruenke spoke to farmers and other business owners in La Crosse County, and many of them helped add context to the case. Having injured animals or responding to regulatory oversight is common. So is a decision to euthanize injured animals. Although many are understandably upset over the treatment of animals at Ridgman Farms, the reality is that the Ridgman Farms business model was not unusual. If this is to be changed, the legislative and administrative agency process is the appropriate forum to do so – not a criminal court.

It should be noted that while Gruenke felt comfortable charging the cherry-eye procedure, a conviction would not be certain as a jury with members from agricultural backgrounds may see the evidence in a different light.

Another factor to consider is that the cherry-eye procedure used by Ridgman Farms was not something that was hidden from view. The business was in operation since the 1960's and they documented the cherry-eye procedures, never denied they did them, and opened the facility to inspectors when requested. Gruenke felt this was not a criminal enterprise trying to hide from the law. Gruenke had to then consider: are we criminalizing conduct that the business was practicing in full view of inspectors without a warning and chance to remedy it? Is that the proper use of criminal statutes? Nonetheless, in the end, Gruenke decided the standards were in place long enough and in a way the business should have been aware of it and updated its practices such that a criminal charge was in fact justified.

CONCLUSION

In sum, Gruenke decided that even though there would be legal questions remaining, he could charge Ridgman Farms with a felony – §951.02 mistreatment of animals. However, given their willingness to close their business, end the conduct that gave rise to this inquiry without the expense and uncertainty of a prosecution, he concluded that charges will not be filed and confident this is the best resolution available to all concerned.