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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 FRESNO DIVISION

15 PETER STAVRIANOUDAKIS; KATHERINE
STAVRIANOUDAKIS; SCOTT TIMMONS;
16 ERIC ARIYOSHI; **and** AMERICAN FALCONRY
CONSERVANCY,

17 Plaintiffs,

18 v.

20 UNITED STATES FISH & WILDLIFE SERVICE;
CHARLTON H. BONHAM, in his official capacity
21 as Director of California Department of Fish and
Wildlife; **and** MARGARET EVERSON, in her
22 official capacity as Principal Deputy Director
Exercising the Authority of the Director of United
23 States Fish & Wildlife Service,

24 Defendants.

No. 1:18-cv-01505-LJO-BAM

**DECLARATION OF
PETER STAVRIANOUDAKIS**

28 *Licensed to practice law in Arizona and Colorado. Not licensed to practice law in California.

1 I, Peter Stavrianoudakis, declare:

2 1. The facts set forth in this declaration are based on my knowledge and, if called as a
3 witness, I can competently testify to their truthfulness under oath.

4 2. I have been a Deputy Public Defender for Stanislaus County for the last 16 years. I
5 have held my law license for 21 years. Before becoming a public defender I worked in private
6 practice focused on environmental law, personal injury, and serving as in-house counsel for a
7 corporation. And before becoming an attorney, I was an owner and operator of several small
8 businesses.

9 3. As a public defender I particularly enjoy the fact that I get the chance to defend the
10 constitutional rights of my clients. The Constitution draws lines in the sand between right and
11 wrong; and when I am in the courtroom I think of the people who have died to draw those lines.
12 The idea of defending constitutional rights and ensuring that they remain intact is an extremely
13 compelling force for me. I consider myself the last line of defense for my clients' constitutional
14 rights.

15 4. My job routinely involves defending our Fourth Amendment rights. I research and
16 work with Fourth Amendment issues every day and have gained personal knowledge of the Fourth
17 Amendment through more than a decade and a half of on-the-ground experience.

18 5. I secured my first falconry license in approximately 1980, when I was 20-years old.
19 It was at this time that I first learned about the claimed power to effect unconstitutional warrantless
20 searches of the homes of falconers.

21 6. In 1983, I was specifically targeted by the California Department of Fish and Game.
22 I am aware that it is now called the Department of Fish and Wildlife, so that is how I will refer to
23 them throughout the rest of this document.

24 7. In 1983 I received a letter from Celeste Cushman, who was the head of the
25 Department of Fish and Wildlife's falconry division, giving me permission to travel to Nevada to
26 trap a Nevada Prairie Falcon. I had a Nevada falconry license, hunting license, and trapping permit
27 for falcons; I lawfully trapped a bird which was banded by a Nevada game warden, along with a
28 permit from Nevada giving me permission to take the bird out of state.

1 8. Warden Cushman informed me that I was allowed to bring the banded falcon back
2 to California, and that my “import permit” was issued and I would receive it in the mail shortly.

3 9. After several follow up calls in which I was told my permit was being mailed to me,
4 I was surprised by a Fish and Wildlife officer who came to my home and arrested me, cuffed me,
5 and put me in the back of a police car for “illegally” transporting a falcon across state lines. He told
6 me I was facing a \$25,000 fine and 5 years in prison. He then searched my home without a warrant.
7 There was no falcon there because it had flown away the previous day and not returned, so of course
8 he had to release me.

9 10. The warden then apologized and said, “They made me do it.”

10 11. Over the last 20 years I have spent much of my free time getting to know other
11 falconers and spending time with them regularly. This includes membership and participation with
12 the American Falconry Conservancy, California Hawking Club, and North American Falconers
13 Association. I have also written numerous falconry articles for publication on falconry-related
14 topics over the years.

15 12. I have intimate personal knowledge of the concerns and issues facing the broader
16 falconry community. I also have in-depth knowledge of the search regulations at issue in this case,
17 and on the manner in which the Department regulates and treats falconers. My expertise on these
18 issues is well known within the falconry community.

19 13. I have become a point of contact for falconers facing warrantless inspections and
20 other regulatory issues across the state. A falconry-related search or charge in California, of which
21 I was not made aware, would be extremely rare. The abuse of falconers’ Fourth Amendment rights
22 by Fish and Wildlife officers is widespread, ongoing, and systemic. And I have personal knowledge
23 of the continuing abuse.

24 14. I also have personal knowledge of the common practices of falconry. The practice
25 of falconers keeping their birds within their own homes or within structures on their home’s
26 curtilage is the norm within the falconry community. These practices are consistent for almost all
27 falconers that I know. The home is an integral part of the average falconers’ craft and relationship
28 with his bird.

1 15. For decades, falconers have lived in fear of losing their birds if they do not submit
2 to the whims of the Department of Fish and Wildlife, including submitting to warrantless searches.
3 California Fish and Wildlife Officers, including Director Charlton Bonham, have literally told
4 falconers: “Do what we say or we will take falconry away from you.” This mentality and threat is
5 evident in the Department’s interactions with falconers.

6 16. I attended and participated in every single public hearing held by the California
7 Department of Fish and Wildlife relating to their warrantless search program for the past three
8 years—approximately four separate hearings. I offered public comments questioning the
9 constitutionality of the warrantless and unannounced search provisions.

10 17. Director Bonham arranged to meet with me before a commission meeting on
11 December 7–8, 2016, in San Diego concerning the warrantless search rules. Several other falconers
12 and I, including members of both the American Falconry Conservancy and the California Hawking
13 Club, sat down at a table with him and members of his staff and voiced our concerns about the
14 warrantless search rules.

15 18. At one public hearing, I informed the commission that I believed I had exhausted
16 all administrative remedies necessary prior to pursuing available legal action.

17 19. In a private meeting with Director Bonham directly after this group meeting, I asked
18 him directly whether there were any other administrative remedies I was required to pursue before
19 filing a federal civil rights lawsuit, which I considered to be the only other option available to me.

20 20. When I asked Director Bonham why they didn’t just secure warrants before trying
21 to search falconers’ homes and property, he told me that judges would not provide warrants for
22 such searches and that “surprise is what makes these inspections so effective.” He also intimated
23 that fear of these surprise searches keeps falconers in line.

24 21. Director Bonham told me point blank that he would never give up the purported
25 authority to conduct warrantless searches of falconers’ homes and property, which according to
26 him are required by applicable federal regulations. Director Bonham told me: “We are not changing
27 anything, so you’ll just have to sue us. And if you want to fight us, we can just take falconry away
28 completely.”

1 22. I understood Director Bonham's statements in this post-hearing meeting with me as
2 clear and serious threats that if I brought this case, or continued to resist at all, he would retaliate
3 against me and other falconers.

4 23. While this was the first time I personally heard this kind of threat uttered, this sort
5 of threat is common in the falconry community. The understanding is that you do what Fish and
6 Wildlife says, no matter the legality, or you will suffer the consequences. Fear of said consequences
7 brought about by repeated threats is pervasive across the falconry community.

8 24. Subsequent to the meeting in San Diego, I made one more attempt to avoid litigation
9 by pleading with Director Bonham to recognize the Fourth Amendment rights of falconers. The
10 scheduled teleconference was attended by myself, American Falconry Conservancy leadership,
11 Director Bonham, and other California Department of Fish and Wildlife staff members.
12 Unfortunately, my repeated pleas were met with repeated refusals.

13 25. Within three days of this teleconference word reached me through direct phone calls
14 from individuals affected and various falconry-related Facebook groups that California Fish and
15 Wildlife had carried out at least 10 sudden and coordinated early morning warrantless raids on the
16 homes and property of falconers across the state in a shocking display of power. Others in the
17 falconry community subsequently told me that the number of searches that actually occurred that
18 day were as high as 23.

19 26. The timing and scale of these sudden and widespread searches leads me to believe
20 that they were a direct consequence of Director Bonham's threats. I fear continued intimidation and
21 abuse of myself, American Falconry Conservancy members, and other falconers as a result of this
22 lawsuit and our refusal to allow our rights to be violated.

23 27. I fear for the safety of my wife, Katherine. Her rights are also abused and at stake
24 because of these regulations and the actions of California Fish and Wildlife, just because she is
25 married to me. I don't want her to feel intimidated or be harmed in any way.

26 28. I first became a member of American Falconry Conservancy in 2016. Currently, I
27 serve as the organization's Pacific Coast Director, a position I have held since 2017.

28 29. I am aware of multiple incidents in which Fish and Wildlife officers have carried

1 out warrantless searches of licensed falconers' homes and property. These include the warrantless
2 search of Fred Seaman's home and property in 2017, the warrantless search of Leonardo Vasquez's
3 home and property in 2017, the massive "Operation Falcon" in 1984, my own experience in 1983,
4 and many others I have heard about over the years.

5 30. In my decades as an active falconer, I have housed and cared for approximately 15
6 birds.

7 31. Currently, I own and house a four-year-old male aplamado falcon named "Ares."
8 He was bred in Santa Cruz by a good friend of mine. I have had Ares for a little over three years
9 now. Ares and I are extremely close. He is a very important part of my life.

10 32. Ares lives inside my home almost exclusively; 90% of the time. Occasionally,
11 weather permitting, he spends some time outside in a protected area next to my house to get sun. I
12 also fly him as often as my work schedule and the weather will permit in order to keep him fit and
13 healthy.

14 33. The operation of these search provisions, my criticism of the regulations when they
15 were adopted, and being a named plaintiff in this lawsuit, makes me feel like there is a target on
16 my back. I live in constant anxiety of retribution; that armed officers will show up at my home
17 when I am not present, and my wife will be forced to both give up her constitutional rights and let
18 them in, or face the loss of Ares and possible violence.

19 34. A day does not go by where I am not anxious about these possibilities. Every day
20 when I arrive home and see that my wife, my property, and Ares are secure I am overcome with
21 relief.

22 35. When I first acquired Ares, I had to explain to my wife Katherine that her Fourth
23 Amendment rights would be forfeit from her living under the same roof with me. This was an
24 extremely difficult conversation. I hated to have to tell her that, just because she was married to
25 me, it meant that armed government agents could come into our home anytime they wanted to. I
26 was afraid it would have a detrimental impact on our relationship.

27 36. There have been multiple occasions that I have been asked to do demonstrations
28 with my birds and I have had to decline. I have had to just tell people that I can't for fear of violating

1 the restrictions on content and compensation.

2 37. I did allow Ares to be filmed for a mini-documentary about this case, but only
3 because I was reassured that the content was “related to falconry,” and not subject to these speech
4 rules.

5 38. It would be wonderful to have the ability to share my love of falconry without fear
6 of violating the speech restrictions. If I had the chance to earn money with Ares and take him out
7 onto a movie set for a shoot, I would absolutely do it. I have appeared in movies, and I have friends
8 and family in the movie industry, but I have not pursued opportunities for Ares because of the
9 speech restrictions.

10 39. Even when others have casually photographed Ares, it has given me pause and made
11 me worry that if those photos were used for commercial or artistic purposes without my knowledge
12 it could jeopardize me being able to keep Ares.

13 40. I know individual falconers and American Falconry Conservancy members who
14 would definitely use their birds for commercial purposes unrelated to falconry if these speech
15 restrictions did not exist.

16 41. I have continuously complied with all requirements for my falconry license over my
17 many decades as a falconer. Currently, I am a Master Falconer.

18 42. I last renewed my license in June 2018, and will next be renewing it in June 2019.

19 43. In my time as a falconer, I have never been sanctioned or cited by U.S. Fish and
20 Wildlife, California Fish and Wildlife, or any other agency or body, related to my practice of
21 falconry.

22 I declare under penalty of perjury that the foregoing is true and correct, to the best
23 of my knowledge, and that this declaration was executed the 22 day of January, 2019, in Hilmar,
24 California.

25
26 
Peter Stavrianoudakis