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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.

19  
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  
RON KEARNEY**

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27  
28 \*Licensed to practice law in Arizona and Colorado. Not licensed to practice law in California.

1 I, Ron Kearney, 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 am the current president of the American Falconry Conservancy. I was nominated  
5 and elected for a two-year term by the members on January 1, 2018. American Falconry  
6 Conservancy was originally founded in 2002, and I first became a regular member in 2008. The  
7 organization has approximately 100 members across the United States.

8 3. The mission of American Falconry Conservancy is to promote the broadest liberties  
9 possible that are not in conflict with legitimate conservation efforts based upon sound biological  
10 and legal reasoning, to promote knowledge of quality falconry, as well as to instill pride in falconers  
11 for the cultural heritage of the sport and its place in world history.

12 4. I have held a valid falconry license for over 30 years, since approximately 1984.

13 5. All Regular Members of the American Falconry Conservancy must hold a valid  
14 falconry license, which exposes all members to the unconstitutional conditions at the heart of this  
15 case, including losing both their First and Fourth Amendment rights.

16 6. Warrantless searches of falconers' homes and property by armed Fish and Wildlife  
17 officers are a pervasive long-time problem that has been around since licenses were first required  
18 in the 1970s, and continuing to this day. But in the last 10 years it has become increasingly  
19 problematic, and the subject of a lot of controversy in the falconry community.

20 7. I am personally aware of many examples of this abuse of power over the years, both  
21 for American Falconry Conservancy members and other licensed falconers. This abuse continues  
22 to this day.

23 8. Examples include the home of the Brunottes' being searched in Colorado in 2004.  
24 In that incident, as detailed by the Brunottes, after Fish and Wildlife officers entered their home  
25 and detained them, the officers questioned Becky Brunotte for so long without allowing her access  
26 to her own restroom that she urinated in her pants.

27 9. Then there was the search of my good friend Stephen Layman's home up on  
28 Whidbey Island by Federal and Washington State Fish and Wildlife officers in approximately 2004.

1 At first, Stephen thought the visit was cordial because he knew one of the officers. However, after  
2 asking several harmless questions, Stephen became aware that the officers had used this  
3 relationship as a pretext to gain consent to perform an investigation. This goal of the visit was  
4 confirmed by the officers—after they were already inside his home.

5 10. An early example was the so-called “Operation Falcon” in the early 1980s.

6 11. Operation Falcon involved hundreds of homes and private properties being  
7 simultaneously invaded by federal Fish and Wildlife officers across many, many states in a  
8 coordinated effort during the same hours and day. They raided as many falconers’ homes and  
9 property as they could. It was a total catastrophe for our Fourth Amendment rights.

10 12. In my extensive experience I can attest that either keeping falconry birds within  
11 one’s home, or in mews built very near the home, is the common practice. Almost every falconer I  
12 know houses their birds this way. By far the majority of falconers build their mews right next to  
13 their homes, just like a garage.

14 13. Most falconers live in urban or suburban areas and keeping their birds within their  
15 homes or right next to them is the norm, just like any other pet. I have an extensive background and  
16 knowledge of this practice from my many years being involved in the falconry community.

17 14. My understanding of these facts is based on being the president of the American  
18 Falconry Conservancy, and over 30 years as an active member of the greater falconry community,  
19 which is a unique and tight-knit community sharing a common avocation and passion. This includes  
20 site visits, conferences, and other communications related to falconry.

21 15. It is also just as commonly known by falconers that this common practice exposes  
22 them to forfeiting their Fourth Amendment rights. This causes extreme stress, fear, and anxiety in  
23 many falconers.

24 16. I am also aware of specific examples of the negative effect of the anti-speech rules.  
25 Several American Falconry Conservancy members, including the other Plaintiffs in this case, have  
26 been silenced by the speech regulations challenged in this case.

27 17. In my own experience, I was forced to revise the content of a presentation I had  
28 prepared to deliver to the Klamath Audubon Society. The regulations required that the content of

1 the presentation could only be about conservation. Otherwise I was in danger of violating the  
2 falconry speech rules. I was not free to speak about whatever I wanted with regard to falconry.

3 18. But for the speech rules, I would allow my birds to be filmed and photographed for  
4 non-falconry related speech and I would pursue opportunities to speak about falconry, including  
5 speaking for pay.

6 19. The prohibitions on falconers' speech are well-known in the falconry community.  
7 The general impression is that we are simply not allowed to talk at will about falconry or else Fish  
8 and Wildlife will take our birds away. There is also great fear and anxiety associated with the speech  
9 restrictions.

10 20. I have continuously complied with all requirements for my falconry license over my  
11 many decades as a falconer. Currently, I am a Master Falconer.

12 21. I last renewed my license in July 2018, and will next be renewing it in June 2021.

13 22. In my time as a falconer, I have never been sanctioned or cited by U.S. Fish and  
14 Wildlife, Oregon Department of Fish and Wildlife (my home state), or any other agency or body,  
15 related to my practice of falconry.

16 I declare under penalty of perjury that the foregoing is true and correct, to the best of my  
17 knowledge, and that this declaration was executed the 22<sup>nd</sup> day of January, 2019, in Fort Klamath,  
18 Oregon.

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20 Ron Kearney

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