

THE STORY OF PYGMY HARBOR FARM WINNING A LAWSUIT AGAINST THEIR USE OF LIVESTOCK GUARDIAN DOGS

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Pygmy Harbor farm was established in Knox County Tennessee spring of 2015 by Bonnie Panettieri (myself) and my husband Robert Deacon. We bought a property at the end of a dead end road with a long gravel driveway and no nearby neighbors. This was our slice of heaven to build our dream farm.

We chose to breed and sell Registered Pygmy Goats. The smallest breed of goat. We spent a lot of time researching proper husbandry and care for pygmy goats. Besides building structures (3 barns) and a lot of fencing we also added Livestock Guardian Dogs to keep our goats safe and healthy. We did research livestock guardian Dogs and knew we wanted dogs that came from a similar farming environment to our own. Once our barn was built and fencing was installed we introduced our first great pyrenees with our pygmy goats.

As we continued to build infrastructure and grow our herd we registered our property with the Tennessee Department of Agriculture, the USDA and the NRCS. We were assigned a premise ID#, a farm # and a scrappie ID #. We worked with the local USDA and NRCS offices to help us lay out our pastures and fencing for proper grazing/foraging and rotation practices. With their input we implemented 3 main pastures for the rotation plan and a small area for quarantine.

We often have predators attempt to breach the fences. Mostly coyotes but also bobcats, wolves, owls, hawks, and raccoons prey on our small goats that are usually only 2-4 pounds at

birth. Our dogs have been very efficient guarding our herd from predation. As we continued to grow our herd to 50 head and became a Certified Tennessee Master Small Ruminant Producer. With a total of 7 dogs in 3 pastures. Ensuring all dogs have the confidence of working as a team with a pack mentality and presence. Two dogs per pasture with the largest pasture having 3 dogs. Leaving one dog available as a floater if ever needed while another dog may not be able to work. We have had appropriate signage since getting our first livestock guardian dog that explains the dogs are working dogs and not to be disturbed.

In 2018 a couple decided to build on one of the neighboring vacant properties. Knowing that they would be living very close to our farm. On April 29th 2019 these new neighbors started calling Animal control, the Sheriff Office, and 911 claiming our livestock guardian dogs are a nuisance. Dozens of calls were made initially and over an extended amount of time. Other neighbors enlightened us to a social media post they had made in a group made for reporting local crimes!

When an Animal Control officer did come out to investigate we were actually relieved. The Animal Control Officer did not write us a citation. Instead he asked if we were ok. They were concerned because of the amount of calls they were receiving. He asked to see our dog's proof of rabies vaccination that is required by Knox County Law. I showed him all of our vet records as well as all farm documentation from the various government agencies. I also explained that we are a research herd for the University of Tennessee. I assured him that we are not a hobby operation and needed our Livestock Guardian Dogs to productively produce Pygmy Goats. He agreed with us, these dogs are not pets but working dogs on a farm.

In early 2019 another man bought and built a home on the remaining vacant property. He decided to join forces with the first neighbor and started calling law enforcement as well. Animal control continued to explain to them that these dogs were working farm dogs. The supervisor of Animal control came out to the farm because of the neighbors' continued complaints. He said that he believed we were protected by the Tennessee Right to Farm Act.

We agreed with him. We understood that we were farming within our rights. On April 12, 2021 Our neighbors were told by Animal Control that they would no longer be responding to their calls and any more calls may be considered harassment.

Early July 2021 Robert was taken by ambulance from the farm to the hospital due to a heart attack and remained in the ICU for seven weeks awaiting open heart surgery. During this time that Robert was hospitalized the three neighbors filed a lawsuit against us. A Complaint for Abatement and Injunction Against Nuisance. Filed in the Knox County Tennessee Court.

Short and Seaton V. Bonnie Panettieri and Robert Deacon Docket #202907-1.

From that day till March 2023 we continue to move forward with our lawyers preparing for trial. Several times during this period our lawyers had to push the case along through the court because the prosecutors did not reply to requests on time. Costing us more money to have our lawyers continually ask the court to make the other side move along and file responses for discovery.

During discovery the prosecutors submitted hundreds of videos of us tending our farm, our herd, our livestock guardian dogs and our farm activities. All of these videos had to be watched and documented costing us a fortune. Depositions took weeks to get done as they procrastinated with excuses. After all discovery was obtained on March 10th 2023 they filed an Emergency Motion for Temporary Restraining order to Abate Nuisance. Demanding the court to require us to lock up our livestock guardian dogs from 9pm-7am! On March 23rd 2023 This emergency hearing was denied.

On April 4th 2023 our lawyers moved forward with a motion for Summary Judgment (asking for dismissal of the case) to the nuisance claim about our farm and livestock guardian dogs. April 17th 2023 there was a hearing on the motion for Summary Judgement before Judge Heagerty. During the hearing there were arguments from both sides, our lawyers quoting the Tennessee Right to Farm Act defending our rights as goat farmers with common farming

practices. Explaining the State Law trumps the Knox County noise ordinance which the prosecution argued was their right to claim nuisance.

Tennessee Right to farm act says that a farm using common practices is not a nuisance:

43-26-103. Farms presumed not nuisances -- (a) It is a rebuttable presumption that a farm or farm operation is not a public or private nuisance. The presumption created by this subsection (a) may be overcome only if the person claiming a public or private nuisance establishes by a preponderance of the evidence that either: (1) The farm operation, based on expert testimony, does not conform to generally accepted agricultural practices; or (2) The farm or farm operation alleged to cause the nuisance does not comply with any applicable statute or rule, including without limitation statutes and rules administered by the department of agriculture or the department of environment and conservation.

After several weeks the Summary Judgment to dismiss the Nuisance case was granted with prejudice (meaning we can not be sued again for the same thing) We were briefly relieved only to have them appeal the judge's decision . This appeal was denied. Then followed by another appeal which was sent to the appellate court and was also denied. The court has now mandated that there be no more appeals on this case. Now we continue to wait for a trial date for our counter suit. Continuing to work our small farm with now a huge debt due to our legal defense. Early on in this lawsuit we realized we had to stand up for the right to farm and that this situation was bigger than just us and our farm. This had to be a fight for the rights of all farmers that utilize the peace of mind that only loyal livestock guardian dogs can provide.

What should you do if you are using livestock guardian dogs on your farm and you fear your neighbors complaints?

Make sure your farm has a premise Id# and ask the local USDA or NRCS office to print you a map of your farm so you will have documentation that the property is a farm.

Make sure your dogs are following all local vaccination or license requirements in your county. Have proper documentation showing you are compliant. Have good fences that keep your dogs from roaming neighboring properties.

Keep all information regarding farm and animals in an organized convenient way like a binder or folder.

Print and read your state's Right to Farm Act. Every state has different farming laws. You need to familiarize yourself and understand the information regarding nuisance claims against farms in your state. I say print it because you might share it with neighbors or law enforcement not familiar with the state's Right to Farm Act. .

Document everything. Retrieve all law enforcement reports in person. Take note of anyone's name that you speak to.

Have appropriate signage explaining livestock guardian dogs are working and not to be disturbed.

Report any crimes committed against your farm or livestock to your state's Agriculture crime unit.

Add surveillance cameras with appropriate signage.

The current housing crisis in many areas has contributed to masses moving to more rural areas and putting people in close proximity to farms. We have already been contacted by people in similar situations. Wanting to know how we were able to win the nuisance case against our farm's livestock guardian dogs.

It has been a very stressful time for us. We have had to worry about losing our farm we built and grew, our livelihood and a huge financial burden.

We are Thankful for all the support from our farming community, our customers and our supporters. Our farm produces handcrafted quality goat milk soaps and lotions that we sell at local farmers markets and on our website. We breed and sell registered Pygmy Goats. The farm also provides agricultural tourism by offering goat yoga classes and farm tours.

We appreciate all contributions to our small farm. If you would like to support our farm you can purchase products from our website <https://www.pygmyharbor.com/>. Subscribe to our YouTube channel Pygmy Harbor Farm or show your support through our legal defense fund <https://www.gofundme.com/f/pygmy-harbor-farm>.

We want to share our experiences so that if you ever encounter this situation you'll know that you are not alone. A path to justice has been blazed for all farmers to reference in the future and preserve our way of life that has been in practice longer than most civilizations.