

Prosecution Summary

Investigators: SA Chris Andersen, FBI, 435-669-7306
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SO, 435-421-1006
Agency: FBI, Beaver County Sheriff's Office
Case: 266I-SU-2186890
Subjects: Wayne Hsiung
Paul Picklesimer
Samer Masterson
Andrew Sharo
Jonathan Frohnmayer
Faith Ching
Victim: Smithfield Foods
Case Type: Animal Enterprise Terrorism

Case Summary

Portions of this summary refer to evidence items which are contained on the accompanying evidence disk. The items are indexed at the end of this report.

On or about March 8, 2017, members of Direct Action Everywhere (DxE), led by their central leader, Wayne Hsiung, conducted an animal enterprise intrusion at a Smithfield Food Hog Production Farm 41102 located in Beaver County, Utah (see evidence item 6,b). During this intrusion, the participants stole two swine. The group considered this an animal "rescue operation".

Investigators later identified another date that DxE members conducted another an earlier intrusion at Smithfield Farm 41102 on or about January 8, 2017. It is believed that the group was conducting a site survey in order to check security and access to the property in order to conduct a more thorough operation, to include a "rescue" of animals.

The participants of the intrusion videoed the events of both incidents. Portions of these videos were compiled into other finished video projects that were later disseminated publicly. The most comprehensive of these compilations was the first to be publically disseminated on or about July 4, 2017, and was titled, "Operation Deathstar" (see evidence item 1,a). On or about July 4, 2017, the New York Times wrote an article which focused on the increasing use of 360 video technology among animal rights advocacy groups (see evidence item 7) and

featured the "Operation Deathstar video". Other media outlets, including the Huffington Post, wrote articles and disseminated this and other compilations of video clips taken by DxE members while at Smithfield Farm 41102. Wayne Hsiung, Paul Picklesimer, Samer Masterson, Jonathan Frohnmayer, and Andrew Sharo were all physically identified by investigators from the "Operation Deathstar" video as being participants at the March 8th, 2017 intrusion and theft (see evidence item 1,b,i).

Prior to the videos being publically released, Smithfield Foods was asked for comments by the New York Times reporter. After learning of the videos, Smithfield immediately requested a veterinarian audit of the animals at the Beaver County Utah facility. Over the weekend, a total of four auditors, including the Utah State Veterinarian, Dr. Barry Pittman, conducted an audit of the Beaver County operation. Of the approximate 40,000 hogs in farrowing at the Beaver County farms, the auditors visited the sites of approximately 25,000. In the reports, the auditors made comments about the health and well-being of the hogs. While the auditors made several derogatory observations, the reports were largely positive regarding the general health and welfare of the hogs and Smithfield's history of being transparent and in compliance at the Beaver County facilities (see evidence item 8,a,iii.)

Since early July 2017, DxE also posted these and other videos on their own website and YouTube page. They also recorded and posted protests directed toward Smithfield and Costco (who is a wholesale client of Smithfield). Many of the protests were conducted at Costco Store locations in various locations throughout the United States in the summer of 2017. This was part of a larger scheme to defame Costco and frustrate their membership in an effort to force Costco into ceasing a relationship with Smithfield and other animal product manufacturers (see evidence items 18,b;8,b,i).

The defamation campaign has caused reputation and public image damage to Costco and Smithfield. Both companies have spent resources to counter the DxE campaign. Smithfield provided a copy of their losses and expenses directly related to the intrusions (see evidence item 9,j).

On July 26, 2017, investigators conducted a consensual site survey of Smithfield Farm 41102 (see evidence item 5). Photos of the site survey were compared to images from the "Operation Deathstar" video. Investigators found multiple identifiers from the "Operation Deathstar" video that matched unique areas and characteristics of Gestation Barn G1 and Farrowing Barn 7, located at Smithfield Farm 41102 (see evidence item 1,b,ii).

Wayne Hsiung and other members of DxE named the two stolen Smithfield pigs: "Lizzie" and "Lilly" and eventually transported them to a Ching Farm Animal Sanctuary in Herriman, Utah, owned by Faith Ching. Here they were renamed, "Ethel" and "Lucy", under the primary care of Faith Ching and a sanctuary volunteer Larayn Clegg (see evidence item 8,e). Phone records of Wayne Hsiung, show Faith Ching having communications leading up to and following the intrusion event and Smithfield (see evidence item 6,c,i). Volunteers at Ching Farm related that the manner of the pigs' arrival was unanimous, but that Faith expressed anger and/or frustration regarding the pig's prior circumstances (see evidence items 8,f;8,g;8,h;8,i).

Several photos and videos, posted by DxE members and associates, including Paul Picklesimer and Faith Ching, showed the two pigs (purported to be the pigs stolen from Smithfield), at a location that resembled the Ching Farm Animal. Additionally, investigators conducted a search warrant at Ching Farm Animal Sanctuary. Investigators compared photos from the search scene to images in the "Operation DeathStar" video, and were able to confirm multiple areas of Ching Farm Animal Sanctuary where the pigs had been kept (see evidence item 1,b,iii).

Eventually, Faith Ching, transported the pigs to Colorado to have a hernia repair surgery performed on "Lizzie" (also known as Ethel) (see evidence items 8,f;8,i). After the operation was performed at the University of Colorado, the pigs were dropped off at Luvin Arms Animal Sanctuary in Erie, Colorado (see evidence item 8,i). Shaleen Shah, the owner/operator of Luvin Arms decided to change their names back to their original names (Lizzie and Lilly) that have been given to them by DxE shortly after they were taken from Smithfield Farm (see evidence item 8,i).

On August 31, 2018, investigators conducted a search warrant at Luvin Arms Animal Sanctuary and collected a DNA sample of one of the pigs ("Lizzie"). The DNA from the pig was analyzed by Neogen and compared to DNA provided by Smithfield Foods that was taken from several possible boar fathers. On October 26, 2017, Neogen provided email confirmation that the DNA submitted was an offspring match to a Smithfield boar (see evidence item 8,a).

History of Direct Action Everywhere

Wayne Hsiung is the primary face of Direct Action Everywhere, and is the narrator/speaker in much of their propaganda on their website and in the internet published

videos. In their propaganda, DxE makes it clear that their agenda is to liberate animals and perform direct action against those who kill animals for any reason.

DxE has been in existence holding meetings, rallies, recruiting events, and performing direct action since approximately 2013. Multiple serials regarding DxE's activity, including their political/social agenda have been documented from several FBI divisions including Los Angeles, San Francisco, Phoenix, Albuquerque, Omaha, Milwaukee, and New York. DxE has been involved in other animal enterprise intrusions and thefts, including another Utah farm, a Norbest Turkey Farm in Moroni, Utah, which also occurred in 2017. Some of the cell site data obtained in the Smithfield investigation shows some of the same subjects in the area of the Moroni Norbest Farm. The Norbest invasion and animal theft is being investigated by the San Pete County Sheriff's Office and the San Pete County Attorney's Office.

DxE's website states the following:

"What We Do

- Movement Building - We are an open source platform that empowers activists across the world
- Nonviolent Direct Action - We come together in powerful actions and offer easy ways to get involved
- Open Rescue: We openly rescue animals in captivity, exposing violence behind closed doors"

Evidence

DxE's own video, posted on public forums and to media outlets provides some of the best evidence available. However, in an effort to validate the actions depicted in these videos and to fully identify those involved, investigators have obtained additional evidence detailed below. These items have been organized by folder and are presented in an outline format, which matches the electronic file path of their location on the attached evidence DVD.

Evidence Index

1. Videos, Photos and Social Media Posts

- a. Operation Deathstar Video
- b. Comparisons
 - i. Screen Shots of Primary Subjects of Smithfield Intrusion
 - ii. DxE Video - Photo Comparisons
 - iii. Ching Farm Video - Photo Comparisons
- c. Circle 4 DxE related videos
 - i. DxE and Ching Sanctuary videos (folder with videos)
 - ii. Picklesimer's fundraiser page videos (folder with videos)
 - iii. Costco butcher (video)
 - iv. DxE - This is what (video)
- d. Luvin Arms pictures and videos (Index document is still pending)
- e. Social Media Posts (Index document is still pending)

2. New York Times Article

3. Police Reports

- a. Beaver County Police Report (ADD THIS TO THE FOLDER WHEN COMPLETED)

4. Site Visit at Smithfield Farm 41102

- a. Photos of Site Visit

5. Cell Phone Records (Cell records from Wayne Hsiung, Paul Picklesimer, Samer Masterson, Jonathan Frohnmayer, Andrew Sharo)

- a. Overhead Image of Smithfield Farm 41102 and Map of Subject Phones during Intrusion Incidents (ADD THIS TO THE FOLDER WHEN COMPLETED)
- b. ATT Records
 - i. Received 10-1-2017
- c. Verizon Records
 - i. Received 10-16-17
 - ii. Received 01-25-18

6. Ching Farm Event on 08/12/2017 - Undercover Agent visited Ching Farm Sanctuary prior to Search Warrant

- a. Consensually monitored audio and video (Stored on a Separate Disk)

7. Interviews

- a. Keira Lombardo on 07/13/2017 - Senior Vice President of Smithfield Foods
 - i. Email communications
 - ii. Smithfield Responses to News Articles

- iii. Veterinary Reports
- iv. Smithfield Internal Summary of Intrusion
- b. Craig Wilson on 07/26/2017 - Vice President of Costco Wholesale
 - i. Email communication originally from Wayne Hsiung to Craig Wilson
- c. Justin Fix on 07/19/2017 - Director of the Genetic Program, Smithfield Foods
- d. Faith Ching on 08/22/2017 - Owner/Operator of Ching Animal Sanctuary, Herriman, Utah
- e. Larayn Clegg on 08/22/2017 - Volunteer, resident, and primary care taker for swine at Ching Animal Sanctuary
- f. Jessica Stabler on 08/22/2017 - Volunteer of Ching Animal Sanctuary, Herriman, Utah
 - i. Photos of pigs believed to be taken from Smithfield and kept at Ching Sanctuary
- g. Barbara Nelson on 08/22/2017 - Volunteer of Ching Animal Sanctuary, Herriman, Utah
- h. Valerie May on 08/22/2017 - Volunteer of Ching Animal Sanctuary, Herriman, Utah
- i. Shaleen Shah on 08/31/2017 and 12/07/2017 - Owner/Operator of Luvin Arms Animal Sanctuary, Eerie, Colorado
 - i. Recording of Interview
- j. Patty Goff email - Executive Assistan Sustainability Coordinator
 - i. Email
 - ii. Attachment - Summary of Smithfield expenses and losses

8. Forensic Evidence

- a. Report from Gene Seek (ADD THIS TO THE FOLDER WHEN COMPLETED)

9. Search Warrants

- a. Search Warrant at Ching Farm on 08/22/17
- b. Search Warrant at Luvin Arms on 08/31/17

For questions regarding this case, please contact SA Chris Andersen, 435-669-7306, coandersen@fbi.gov.