

BIRD PARADISE

"Largest Exotic Bird Superstore On The East Coast"

September 24, 2004

Dr. Robert Gogats
BURLINGTON COUNTY HEALTH DEPARTMENT
15 Pioneer Boulevard
PO Box 6000
Mt. Holly, New Jersey 08060

Bill
Seed
and
with
Bog

RE: BIRD PARADISE/TODD MARCUS BIRDS EXOTIC, INC.

Dear Dr. Gogats:

As you are aware, in an effort to cooperate with the Burlington County Health Department and the Health Department of the State of New Jersey, on July 9, 2004, we decided to voluntarily close our business and prophylactically treat our birds for Psittacosis. This was as result of the following:

- A false-positive test result on a Mealy Amazon. Two subsequent tests by our Veterinarian resulted in a **negative** test result, thereby authenticating the fact that this was a false-positive reading.
- An *alleged* exposure to our store by an *alleged* grooming of a cockatiel which was later diagnosed with Psittacosis.

While all of our birds tested **NEGATIVE**, we still chose to cooperate with the Health Department and the State of New Jersey to interrupt our business and treat our birds.

A competitor store, Todd Marcus Birds Exotic, has launched and participated in a campaign to destroy the integrity and reputation of our store by placing, on his front door, a sign warning the general public about our store. Conspicuously displayed next to that sign is an undated article which appeared in the *Courier Post* almost three months ago regarding three birds which were reported to have Psittacosis "at a county business." The article further states that the "Health officials traced the cases to the establishment..." and, further, that "other birds there that may have been exposed ... will be quarantined for several weeks." This article, deviously placed next to the **WARNING** sign about Bird Paradise, leads the general public to believe that our store had three cases of Psittacosis and, further, that other birds in our store may have been exposed. This is simply not the case. To date, despite our inquiries, we have never been informed as to the "third" bird

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which is linked to our store by the article in the *Courier Post*. Since the article states a third bird is linked to our store, please provide me with the information which supports that assertion. Enclosed, for ease of reference, is the **WARNING** sign, along with the article to which Mr. Marcus repeatedly refers.

Having researched Psittacosis after this most unfortunate situation, it is my understanding that, after two weeks of treatment, the birds are no longer contagious. Therefore, *even if* we had a positive bird in our store, which we unequivocally deny, after the two week period of treatment, there was no longer any concern relating to any contamination to (1) other birds and (2) the general public. Furthermore, as you are well aware, there is a stigma linked to Psittacosis which evokes a strong response from the general public, especially when exacerbated by slander and untruths. Mr. Marcus *continues* to display this sign, even though the two week treatment period has long since passed, and is now creating a panic among the avian community by exaggerating the seriousness of this bacterial infection. To the unsuspecting consumer, one would almost relate it to HIV after reading his sign and speaking with him and his employees. In each instance, he refers the consumer to the article which appeared in the *Courier Post*. I have read a number of accounts on "Chat Rooms" on the internet which specifically state that they had visited Mr. Marcus' store and were referred to the article in the *Courier Post*. In fact, one account actually posts a link directly to the *Courier Post On Line*. As you know, the Internet is accessible Worldwide. Since Psittacosis is zoonotic, customers who have entered our store or purchased items in our store are in fear that they will become terribly ill after reading the **WARNING** sign and the article. I have actually received telephone calls from customers who have shopped here, and gone to Mr. Marcus' store, asking if they could returned their contaminated merchandise.

In essence, Mr. Marcus is using the ad from the *Courier Post*, as well as the quotes of Dr. Robert Gogats, to slander our store. On a number of occasions, I politely contacted Mr. Marcus in an effort to mitigate the matter and asked that he removed the sign. Mr. Marcus stated he refused to do so since he had to protect his birds based on information which he received from the Health Department and the article which appeared in the *Courier Post*. This does not make sense to me since, first of all, after two weeks of treatment, the birds, *even if* they were infected, would no longer be contagious. Secondly, there was no positive case of Psittacosis definitively linked to our store.

Despite repeated attempts to request that Mr. Marcus remove the sign, I was advised that he would not entertain my request. He continued to state that he had to protect his birds based on information received from the Health Department.

It was recently brought to my attention that Mr. Marcus euthanized an entire room of parakeets. This was obviously due to some type of disease. I would be interested in knowing the disease which prompted a euthanization of a large number of birds. In addition, Mr. Marcus, like us, had a bird that falsely tested positive for Psittacosis. This information was revealed to me in a letter received from Mr. Marcus' lawyer. I am at a

loss to understand why I was subject to scrutiny and it was suggested that I prophylactically treat my birds, even though there was no case of Psittacosis that could be linked to our store or, for that matter, *any of my birds*. Likewise, I would be interested in knowing whether or not a review of the records of his Veterinarians would reveal the reason for the euthanization by Mr. Marcus of entire room of birds approximately three months ago. (Surprisingly, this took place *just before* our store was victimized).

I have spoken to several shop owners who displayed signs in their stores. Several of them advised that they received information from Mr. Marcus indicating that our store did, in fact, have birds with Psittacosis. They were urged to display the signs. I have personally contacted each shop owner and each has voluntarily removed their signs after learning the truth about our voluntary closure. We further instructed each store to contact the Health Department to confirm that there were no positive cases of Psittacosis linked to our stores. Each owner immediately removed their signs. Again, I am at a loss as to why Mr. Marcus is permitted to display the **WARNING** sign, deviously placed next to the article in the *Courier Post*, as a method to disparage our store, my credibility and my reputation.

My attorney has written to Mr. Marcus asking him to cease and desist the slanderous and libelous behavior. I, personally and professionally, have requested that he remove his signs and discontinue his slanderous comments. Mr. Marcus has vehemently refused to do so. I even went so far as to contact his attorney. His attorney, John Connell, Esquire, refused to entertain my request.

You cannot imagine the mental anguish I have suffered, not to mention the financial loss as a result of this closure, the slander and libel in the form of a **WARNING** sign placed next to the ad in the *Courier Post*. At this juncture, I am turning to you for assistance, since Mr. Marcus is basing his entire defense on the article, as well as alleged information he has received from your Department.

IS THERE ANYTHING THAT CAN BE DONE TO STOP THIS UNSCRUPULOUS, UNDERHANDED AND LIBELOUS BEHAVIOR?

Very truly yours,



JACK LANCE

cc: Governor James E. McGreevey
Commissioner Clifton R. Lacy, MD

Bird disease detected in Burlington County

MOUNT HOLLY — The Burlington County Health Department quarantined several birds at a county business after veterinarians reported three cases of psittacosis.

Health officials traced the cases to the establishment, which county health coordinator Dr. Robert Gogats declined to identify. Officials talked with the business's owner and made some suggestions. The owner complied, Gogats said.

Other birds there that may have been exposed to the bacteria will be quarantined for several weeks and treated with antibiotics, Gogats said.

Psittacosis, sometimes called parrot fever, can infect caged birds such as parrots or parakeets either in pet stores or in private homes. The airborne bacteria can spread to humans, causing symptoms such as fever, chills, loss of appetite and shortness of breath.

No human cases have been reported here. Officials have not determined the initial source of the outbreak, Gogats said.

WARNING

**PLEASE DO NOT BRING INTO
THIS STORE ANY BIRDS THAT
CAME FROM, BOARDED,
GROOMED OR VISITED AT
ANY TIME**

**BIRD PARADISE
WITH OUT A HEALTH
CERTIFICATE**

**THANK YOU, FOR YOUR
COOPERATION
TODD MARCUS BIRDS EXOTIC
INC.**