

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE)
PREVENTION OF CRUELTY TO)
ANIMALS, <i>et al.</i> ,)
)
Plaintiffs,)
)
v.)
)
RINGLING BROS. AND BARNUM &)
BAILEY CIRCUS, <i>et al.</i> ,)
)
Defendants.)
_____)

Case No. 1:03-cv-02006 (EGS/JMF)

DX 28

**EXHIBIT 28
TO
REPLY IN SUPPORT OF DEFENDANT’S MOTION
FOR SUMMARY JUDGMENT**

(Attached abstract filed electronically, disk filed with clerk’s office)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE)
PREVENTION OF CRUELTY TO)
ANIMALS, <i>et al.</i> ,)
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Plaintiffs,)
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v.)
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RINGLING BROS. AND BARNUM &)
BAILEY CIRCUS, <i>et al.</i> ,)
)
Defendant.)
_____)

Case No. 1:03-cv-02006 (EGS/JMF)

DECLARATION OF THOMAS ALBERT

1. My name is Thomas Albert. I am more than twenty-one (21) years of age, and I have personal knowledge of the facts stated below. I am employed by Feld Entertainment, Inc. as the Vice President of Government Relations.

2. I attended the Elephant Managers Association (“EMA”) annual conference held in Albuquerque on October 15-18, 2006 (“Conference”). On October 16, 2006, Dr. Barbara Kohn, Senior Staff Veterinarian for USDA, APHIS, Animal Care made a presentation at the Conference entitled “USDA Role In US Fish and Wildlife Service Permit/Registration” (“Presentation”). A true and accurate copy of the abstract from Dr. Kohn’s Presentation is attached hereto.

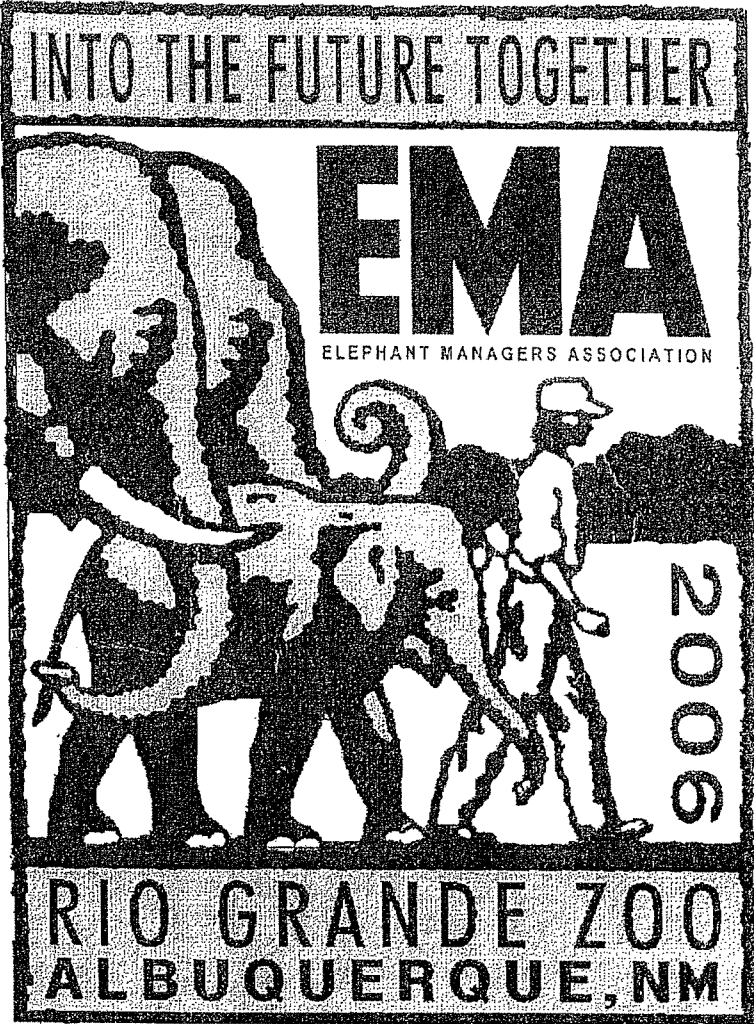
3. The EMA maintains a video library of its conferences from which copies of presentations can be ordered. I ordered a video copy from EMA of Dr. Kohn’s Presentation. A true and accurate copy of the video of Dr. Kohn’s Presentation that I received from EMA is attached hereto.

4. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 27, 2006.

A handwritten signature in cursive script that reads "Thomas H. Albert". The signature is written in black ink and is positioned above a horizontal line.

Thomas Albert



ANNUAL CONFERENCE, OCTOBER 15 - 18

Elephant Managers Association 2006

October 15 - 18

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Hosted by the Albuquerque Biological Park

EMA 2006 ABSTRACTS (IN ORDER OF PRESENTATION)

USDA Role in US Fish and Wildlife Service Permit/Registration Process

Barbara Kohn, DVM
Senior Staff Veterinarian
USDA, APHIS, Animal Care

The use, transport, importation and exportation of endangered species such as Asian and African elephants are governed by several laws, including the Endangered Species Act (ESA) and the Animal Welfare Act (AWA). The cooperation of the agencies that enforce these laws is paramount to their success. USDA, APHIS, Animal Care interacts with the US Fish and Wildlife Service (FWS) to communicate and coordinate oversight over endangered species when used for regulated purposes under the AWA. This cooperation includes providing recent inspection reports and recommendations in FWS permit and registration protocols, as well as evaluating transportation plans for imports and exports. It is important to note that violation of ESA or CITES permit conditions can jeopardize AWA licensing renewals.