

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

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

DX 17

EXHIBIT 17

TO

REPLY IN SUPPORT OF DEFENDANT'S MOTION

FOR SUMMARY JUDGMENT

FROM SENT BY FELD ENTERTAINMENT

(MON) 7:22:02 11:10:ST. 11:09 NO. 4362069864 F 3



JUL 08 2002

JUL 2 2002

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

4700 River Road
Riverdale, MD 20737

Ms. Julie Alexa Strauss
Feld Entertainment, Inc.
Ringling Bros/Barnum and Bailey
8607 Westwood Center Drive
Vienna, VA 22182

Dear Ms. Strauss:

The following Animal Welfare Act investigations conducted on your facility were closed:

• **Case Number: CA02005-AC**

On August 25, 2001, Humane Society of Santa Clara Investigators and a City of San Jose Police Officer witnessed an animal handler for Ringling Bros /Barnum and Bailey Circus lunge toward, and apparently strike a Feld-owned female Asian elephant with a bull hook or ankus.

Due to insufficient evidence the case was deemed no violation and closed March 13, 2002. The agency retains the option of reopening the case in the future if we obtain additional information that warrants further investigation.

• **Case Number: CA02009-AC and CA00136-AC**

Abuse of Elephants: From June 1997 through November 1999 a former Feld employee stated that he witnessed several beatings and the mishandling of elephants. In particular, on June 21, 1999, the elephant known as Nicole was removed from the traveling Blue Unit due to all the scars and swollen hook marks on her leg.

Tuberculosis (TB) or Health Problems in the Elephants: From 1990 to 1996 the attending veterinarian for Ringling Brothers circus suspected that the exhibiting elephants were infected with TB, and they continued to use them in the show.

In 1990 the attending Veterinarian for Ringling Brothers circus did not feel that the Ringling elephants could pass a TB test as required for a breeding contract, and requested assistance from Ringling Brothers' management in treating the elephants; no action was taken.

Records: September 2, 2000, the Blue Unit elephants and camels were inspected per a complaint. At this inspection it was determined that records of treatment for the animals injured were not being kept.

Dyk EXHIBIT 12
10-12-06



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FELD 0023983

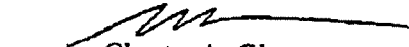
Ms. Strauss

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March 17, 2000 CA00136 and March 20, 2000 CA02005 were deemed no violation and closed. The agency retains the option of reopening the cases in the future, if we obtain additional information that warrants further investigation.

If you have questions, please call me at (301) 734 4980.

Sincerely,


Chester A. Gipson
Deputy Administrator
Animal Care

cc: Betty Goldentyer

FELD 0023984