

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	
Plaintiffs,)	Civ. No. 03-2006 (EGS)
)	
v.)	
)	
RINGLING BROS. AND BARNUM)	
& BAILEY CIRCUS, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**PLAINTIFF ANIMAL PROTECTION INSTITUTE’S RESPONSES AND OBJECTIONS
TO DEFENDANTS’ FIRST SET OF INTERROGATORIES TO PLAINTIFFS
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
ANIMAL WELFARE INSTITUTE, AND FUND FOR ANIMALS**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff Animal Protection Institute (“API”) hereby offers the following objections and responses to Defendants’ First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals.

DEFINITION

1. As used herein, “irrelevant” means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. API’s general objections, as set forth herein, are to be considered continuing objections and responses to the specific Interrogatories that follow, even if not referred to in the

Interrogatory No. 19: Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

Objection and Response to Interrogatory No. 19:

API objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks irrelevant information. To the extent that it seeks information that is protected by the attorney-client or work product privileges, API also objects. In addition, API works with many organizations to stop the abuse and mistreatment of elephants in circuses and, therefore, has had many conversations with such organizations regarding various legislative, regulatory, litigation, and other strategies for accomplishing this collective objective and for educating the public about this issue. Additional details of such conversations are irrelevant and their disclosure would impose an undue burden on API and impinge upon API and the other organizations' First Amendment rights of association and expression.

Subject to and without waiving these objections, API states that, to the best of its recollection, API's Director of Legal and Government Affairs and General Counsel, Nicole Paquette has had conversations with various employees of the American Society for the Prevention of Cruelty to Animals, Animal Rights Foundation of Florida, Animal Welfare Institute, Born Free USA, the Born Free Foundation, Citizens for a Cruelty Free Circus, the Elephant Alliance, the Elephant Sanctuary, The Fund for Animals, the Humane Society of the United States, In Defense of Animals, International Fund for Animal Welfare, Kimya Institute, Massachusetts Society for the Prevention of Cruelty to Animals, People for the Ethical Treatment of Animals, Performing Animal Welfare Society, Progressive Animal Welfare Society, the Royal

Society for the Prevention of Cruelty to Animals, San Diego Animal Advocates, and United Animal Nations. These communications have included conversations with employees of the various organizations regarding the treatment of animals in the circus in general.

API further states that Ms. Paquette has communicated with officials of the Performing Animal Welfare Society on a number of circus related issues over the years. However, such communications were too frequent for Ms. Paquette to recall the details of any particular conversation. Ms. Paquette also has had conversations with Born Free, In Defense of Animals, Kimya Institute, People for the Ethical Treatment of Animals, and the Performing Animal Welfare Society about standard industry training methods such as the use of the bull hook and chaining. Her conversations have also included those with employees of Born Free USA, the Born Free Foundation, the Elephant Sanctuary, the Humane Society of the United States, In Defense of Animals, Kimya Institute, and the Royal Society for the Prevention of Cruelty to Animals, in which these organizations have discussed ways to improve the welfare of circus elephants.

Ms. Paquette has had communications with People for the Ethical Treatment of Animals regarding Ringling Brothers over the years, which are too numerous for Ms. Paquette to recall in detail, but generally concern specific incidents of mistreatment which People for the Ethical Treatment of Animals employees or volunteers had witnessed or alleged occurred, all of which were posted on People for the Ethical Treatment of Animals' website.

Ms. Paquette has also had conversations with individuals from Born Free USA, the Born Free Foundation, the Elephant Sanctuary, the Humane Society of the United States, In Defense of Animals, Kimya Institute, and the Royal Society for the Prevention of Cruelty to Animals regarding Ringling Brothers' treatment of elephants and the status of this lawsuit.

Ms. Paquette has also had limited communications with the Wildlife Advocacy Project on this topic as evidenced by documents that API has produced, which include, but are not limited to: API 2868, 2870, 2872.

Between 2004 and 2005, Ms. Paquette also spoke with People for the Ethical Treatment of Animals and the Elephant Sanctuary about the Hawthorn elephants and efforts to place those animals in sanctuaries. She also has had conversations with employees of People for the Ethical Treatment of Animals regarding Carson & Barnes' treatment of elephants.

Ms. Paquette has also had conversations with employees of the Humane Society of the United States, In Defense of Animals, and Denver for Cruelty-Free Circuses about the Denver initiative – i.e., Initiative 100, which would ban the use of wild animals in entertainment displays or exhibits.

Between 2003 and 2006, Ms. Paquette has also had conversations with employees of the Massachusetts Society for the Prevention of Cruelty to Animals, the Humane Society of the United States, and American Society for the Prevention of Cruelty to Animals about the bills introduced in Massachusetts (S 1840 and S 2457), which would prohibit the use of exotic animals in traveling shows and circuses.

Additionally, in 2006, Ms. Paquette had conversations with employees of Massachusetts Society for the Prevention of Cruelty to Animals and the Humane Society of the United States about the subsequent bill introduced in Massachusetts (S 2699), which would prohibit the use of training devices used to harm elephants.

With respect to the bill introduced in 2006 in California, A 3027, that would prohibit the use of bull hooks and chains, Ms. Paquette has had conversations with employees of In Defense

of Animals, the Elephant Sanctuary, Performing Animal Welfare Society, Kimya Institute, Born Free USA and Foundation, Royal Society for the Prevention of Cruelty to Animals, United Animal Nations, the American Society for the Prevention of Cruelty to Animals, and others about the bill. The inquiries and conversations that Ms. Paquette has had regarding this bill are too numerous for her to recount. Ms. Paquette also had numerous conversations in 2002 with various employees from animal advocacy groups about the bill introduced in California, SB 1210, to regulate the traveling show and circus industry, but only specifically recalls speaking with employees of Performing Animal Welfare Society about this bill.

Ms. Paquette also had conversations with employees of the Elephant Sanctuary, In Defense of Animals, People for the Ethical Treatment of Animals, the American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and United Animal Nations about the bill introduced in Nebraska, L 1000, to prohibit the use of training devices on elephants.

Ms. Paquette also has spoken at a number of conferences in which she has discussed the treatment of elephants in specific circuses between 2002 and 2006. To the extent her speeches or answers to questions from the audience are responsive to this Interrogatory, such communications and the organizations with whom she spoke are too numerous for Ms. Paquette to recollect and describe. API has produced the text of relevant speeches, which API hereby incorporates by reference and that include, but are not limited to: API 0868-0897, 2876-2973, 2876-52.

API employees Ms. Paquette, their Media Relations Director, Elizabeth Wilder, and former Chief Executive Officer, Michelle Thew have also had conversations with employees at the Animal Welfare Institute about coordinating their media efforts in Sacramento, California in 2005 concerning Ringling Brothers.

API's former Program Assistant, Stacy Cachules, former Policy Coordinator, Emily Clemont, and former Chief Executive Officers, Michelle Thew and Alan Berger have had conversations with various employees of the American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, Born Free USA, the Born Free Foundation, Citizens for a Cruelty Free Circus, the Elephant Sanctuary, The Fund for Animals, the Humane Society of the United States, In Defense of Animals, Kimya Institute, People for the Ethical Treatment of Animals, or Performing Animal Welfare Society regarding the treatment of animals in circuses, including Ringling Brothers. However, none of these employees currently work for API. Such conversation would have been similar in substance to Ms. Paquette's conversations with these organizations regarding elephants in circuses and circuses in general, and particularly API's position on this issue, which is set forth herein in response to Interrogatories Nos. 17 and 18.

Nicole Paquette also has spoken with animal control officers in various towns in the United States generally about their own laws that apply to circuses and whether any of the officers have ever witnessed any violations of the law. These conversations have been too numerous for Ms. Paquette to recall the details of, however, she has called officials primarily in California since approximately 2002.

Ms. Paquette, Ms. Haynes, and former employees Ms. Cachules, Ms. Clemont, Jill Kiesow, and Dena Jones have also all responded to inquiries too numerous to recount from individuals about circuses and have provided these individuals with general information about circuses. Information regarding such communications may be found in the documents provided by API in response to defendants' document requests, which are incorporated by reference. The substance of the information provided by API to these individuals was also produced by API in

such documents and is incorporated by reference. These documents include, but are not limited to: API 2974, 3058-3071, 3084-3116. However, the individuals' names and personal identifying information have been deleted on the ground that such information is irrelevant and is privileged on First Amendment grounds, because the disclosure of this information would violate these individual's privacy rights and their First Amendment rights of association and expression.

Additionally, Nicole Paquette has had many conversations with the other plaintiffs in this case and their attorneys concerning the litigation, which are protected by the attorney-client or work product privileges. Ms. Paquette also has had communications with the other plaintiffs about media and public education strategies for informing the public about the mistreatment of elephants in circuses, including Ringling Brothers. Information concerning the amount and financial contributions API has made toward such efforts is reflected in documents that have been produced by API, API 2868. However, API objects to providing additional descriptions of such communications on the grounds that such information is irrelevant and additional details about such communications would cause an undue burden on API and infringe upon its First Amendment rights of freedom of association and expression.

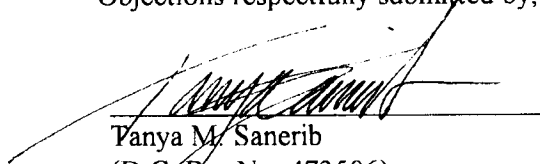
Interrogatory No. 20: Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Objection and Response to Interrogatory No. 20:

API objects to this Interrogatory on the grounds that it is vague and ambiguous. In particular, API does not know what is meant by the term "positive things." Subject to and without waiving this or the general objections to these Interrogatories, API states that Ms. Paquette would not be surprised that if, during the course of lobbying on various pieces of

testimony is preserved in his video deposition testimony that was provided on November 9, 2004 and that is hereby incorporated by reference.

Objections respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Tanya M. Sanerib', is written over a horizontal line. The signature is stylized and somewhat cursive.

Tanya M. Sanerib
(D.C. Bar No. 473506)
Katherine A. Meyer
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