

**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.,**

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:
:
:
:
:
:

Case No. 03-2006 (EGS/JMF)

**EXHIBIT 29
TO**

**MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF FEI'S MOTION TO COMPEL
DISCOVERY FROM PLAINTIFF TOM RIDER
AND FOR SANCTIONS, INCLUDING DISMISSAL**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<hr/>)	
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.)	
<hr/>)	

**PLAINTIFF AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO
ANIMALS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
DEFENDANTS' INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following supplemental 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. ASPCA hereby incorporates by reference both the general and specific objections that it made to Defendants' First Set of Interrogatories, as well as its objections to defendants' definitions of "describe" and "identify."

which it has communicated any such positions would be reflected in supplemental documents that it has provided to defendants. See A 01146, 01147, 01148, 01150, 01151, 01152.

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.

Supplemental Response to Interrogatory No. 19:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that since June, 2004 Lisa Weisberg has continued to have conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, and the status of the litigation, all of which are protected by the attorney-client and attorney work product privileges. ASPCA has also had conversations with the other plaintiffs about their legislative and media strategies for halting the abuse and mistreatment of circus elephants and educating the public about this issue. Additional details of such conversations are irrelevant and their disclosure would impose an undue burden on ASPCA and infringe upon ASPCA and the other plaintiffs' First Amendment rights of association and expression. ASPCA has previously produced documents concerning its financial contribution to this effort.

Steve Zawistowski, Executive Vice President of National Programs for ASPCA, has communicated with employees of the Humane Society of the United States, Royal Society for the Prevention of Cruelty of Animals, and the Louisiana Society for the Prevention of Cruelty to Animals regarding the maintenance and treatment of elephants in captivity and standards for regulating such activities

Jill Buckley, Legislative Liaison for ASPCA, has had conversations with employees of the Animal Protection Institute about legislation pertaining to circus animals and their treatment.

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.

Supplemental Response to Interrogatory No. 20:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its response by incorporating by reference FELD 0024121.

Interrogatory No. 21: Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Supplemental Response to Interrogatory No. 21:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA estimates that since 2004 it has spent approximately \$7,700 on staff time sending action alerts to ASPCA's members, writing Letters to the Editor to educate the public, writing advocacy letters to various officials, and supporting research on elephants and the conditions under which they are maintained in captivity, in order to improve the conditions under which animals, including elephants used for entertainment purposes, are held in captivity.

Interrogatory No. 22: Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Supplemental Objections and Response to Interrogatory No. 22:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that it has spent approximately \$12,110.00 on legal fees and costs pursuing information

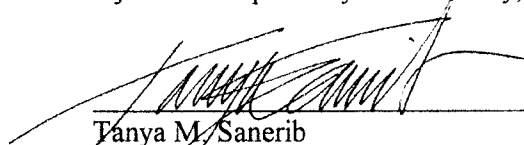
from the United States Department of Agriculture concerning defendants' actions and treatment of elephants.

Interrogatory No. 23: Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Supplemental Response to Interrogatory No. 23:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA additionally states that the subject and substance of the testimony that Tom Rider will provide is further described in Mr. Rider's deposition testimony of Tom Rider that was given on October 12, 2006, which ASPCA hereby incorporates by reference. In addition, the substance and subject of the testimony of Miyun Park was provided by deposition on January 5, 2005; the substance and subject of the testimony of Betsy Swart was provided by deposition on March 18, 2005; and the substance and subject of the testimony of Angela D. Martin was provided by deposition on March 9, 2005, all of which ASPCA hereby incorporates by reference.

Objections respectfully submitted by,



Tanya M. Sanerib
(D.C. Bar No. 473506)
Katherine A. Meyer
(D.C. Bar No. 244301)

Meyer Glitzenstein & Crystal
1601 Connecticut Ave., N.W., Suite 700
Washington, D.C. 20009
(202) 588-5206

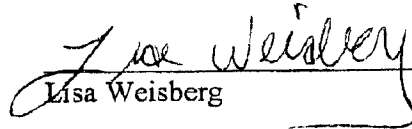
Dated: January 31, 2007

VERIFICATION

CITY OF NEW YORK)
)
)
STATE OF NEWYORK)

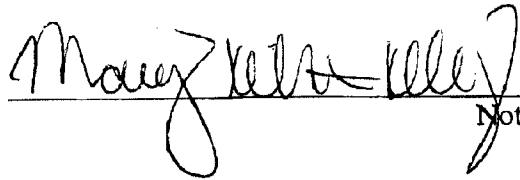
LISA WEISBERG, being duly sworn, say:

I am employed as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisor for the American Society for the Prevention of Cruelty to Animals. The American Society for the Prevention of Cruelty to Animals is a plaintiff in this case. I have read the foregoing supplemental objections and responses to Defendants' Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.



Lisa Weisberg

Sworn to before me this
31st day of January, 2007



Notary Public

MARY KRISTEN KELLY
Notary Public, State of New York
No. 07KE6117003
Qualified in New York County
Commission Expires October 12, 2008

My Commission Expires:

October 12, 2008

