

PLAINTIFFS' EXHIBIT 21

To Plaintiffs' Opposition to Defendant Feld
Entertainment, Inc.'s Motion for Leave to Amend
Answers to Assert Additional Defense and Rico
Counterclaim
Civ. No. 03-2006 (EGS/JMF)

MEMO

To: File
From: Miava Binkley, DVM
Subject: Ringling Brothers - Polk City site inspection
Date: February 16, 1999

On Tuesday, February 9, 1999, Dr. Robert Brandes and I began a routine inspection at Ringling Brothers' (Feld Entertainment) Center for Elephant Conservation (52-C-0136) in Polk City, FL.

We arrived in the morning about 10 am. and met Jim Williams, who accompanied us throughout the inspection. At the end of the walk-thru inspection, we saw two young (approx. 18 months old) elephants restrained in the large female night holding barn. (Doc and Angelica). They were held by leg restraints on two legs, one fore and one rear. The front legs were held by plastic wrapped chains and the rear legs were held by wide cloth/cotton webbing. On first glance, it was obvious that there were lesions on the back legs of both elephants. Angelica's lesion on the anterior aspect of the right rear leg appeared very pink, moist, and about 6" by 1" in size, just below the rear leg restraint. She also had a smaller lesion on the left rear leg. Doc's lesion appeared more whitish and about the same size. We were told by Ringling personnel that the reddish color was due to the iodine-based ointment that was on the lesions. ("Biozide")

I asked what caused the lesions. Gary Jacobson said Doc and Angelica were weaned from their mothers on January 6th and that the scars were from rope burns during this process. He described the process as putting a cotton rope around each leg, then a chain around the neck, and leading the baby off with another elephant. Jim Williams acknowledged that this is what caused the lesions.

Later, Dr. Brandes and I looked at the "Biozide" ointment that was used. It was an iodine based ointment that was dark orange colored like iodine, not really red. We reviewed records and attempted to contact Dr. Lindsay by phone, but he was unavailable. We left for lunch and said we would return later for the exit interview.

I attempted to contact Dr. Goldentyer when we arrived at a local restaurant, but was not able to reach her until later in the afternoon. I described what we had seen, and stated that Dr. Brandes and I felt it should be cited as a violation. She conferred with Dr. DeHaven and then instructed us to not write it as a violation, but to write it as a "note" on the inspection report, since Dr. DeHaven felt we should consult with others in the industry before taking action. He also wanted pictures of the lesions to review. After completing the inspection report as instructed, we returned to the Ringling facility at approx. 5 pm. There to meet us were Drs. Bill Lindsay and

File

Page 2

February 15, 1999

Gary West, Jim Williams and Gary Jacobson. Dr. Lindsay was very upset and asked repeatedly why we could not be more collegial and call him before we came. I explained to him that all our inspections are unannounced. We also asked at that time to take pictures of Doc and Angelica. All Ringling personnel were very reluctant to let us take pictures. Jim Williams said he would not help us take pictures and that it was a bad time since many of his staff had left for the day and it would interrupt the normal routine for the animals. In light of everything, I elected to come back the following day for the pictures and the final exit interview.

We returned to the facility the following day at about 10 am. We were met by Jim Williams who proceeded to interrogate me about what was happening. He asked if he could be involved in any violations - I answered it was possible. He then began badgering me about my qualifications to inspect elephants. I calmly answered that I had a right to inspect this facility. He then walked away in apparent disgust and told Dr. Lindsay to handle things. Dr. Lindsay was calm and helpful, as was Dr. West. We proceeded inside the building to take pictures. They had placed the young elephants in a small pen. They said they did not want pictures taken of them on leg restraints. I said fine, since all I wanted was pictures of the lesions. Dr. West was videoing the two elephants and they had been cleaned of all medicated ointment. The lesions appeared to be healing scars. Angelica's lesions looked less dramatic than the previous day, but Doc's actually looked more pink than the day before. In addition to what we saw the day before, we now also were able to see additional healed scars around each leg, including front legs. These were well-healed but clearly visible. Dr. Lindsay agreed the lesions were healing scars but did not feel it was anything important. Dr. Brandes took pictures and then we proceeded to do the exit interview. After the report was shown to Dr. Lindsay and Dr. West, Dr. Lindsay was reluctant to sign the report. I explained that he was only signing that he received a copy of the report, not that he agreed with it. He was upset that we had even written a note about the scars and stated that we were "silly" for making such a big issue over a little thing. He did sign the report and wrote a short note about his concern.

As for the TB status of the herd, Dr. Lindsay confirmed that several animals remain untested at present (Doc, Angelica, Charlie, Casey, and Rajah). Vance, the breeding male who cultured TB positive, has not yet begun treatment. Mala is continuing her treatment with INH only via rectal slurry. They have not been successful in treating her orally and rifampin is not well absorbed rectally. He did say Ringling had decided to go ahead and attempt to treat Vance but they would have to make physical changes in the building to do it safely since he is not handled in free contact. He did not know when treatment would begin. Both Vance and Mala appeared in good body condition. Jim Williams did say that he was the one who collected the mucus from the floor when Vance coughed up very thick, viscous yellow material for 5-7 days. No other material has been seen since.