

## **PLAINTIFFS' EXHIBIT 2**

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)

Read the instructions for each Part carefully.  
 A User Fee must be attached to this application.

If the required information and appropriate documents are not submitted along with Form 8718 (with payment of the appropriate user fee), the application may be returned to you.

Complete the Procedural Checklist on page 7 of the instructions.

**Part I Identification of Applicant**

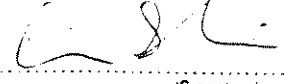
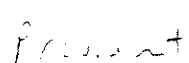
<b>1a</b> Full name of organization (as shown in organizing document) National Biodiversity Advocacy Project		<b>2</b> Employer identification number (EIN) (If none, see page 2 of the instructions.) SS-4 Attached
<b>1b</b> c/o Name (if applicable) c/o Eric Glitzenstein		<b>3</b> Name and telephone number of person to be contacted if additional information is needed  Cynthia M. Lewin Form 2848 Power of Attorney Attached (202) 328-1666 x 325
<b>1c</b> Address (number and street) 1601 Connecticut Avenue, N.W.	Room/Suite Ste 450	
<b>1d</b> City or town, state, and ZIP code Washington, DC 20009-1035		<b>4</b> Month the annual accounting period ends December
<b>5</b> Date incorporated or formed May 12, 1997	<b>6</b> Activity codes (See page 3 of the instructions.) 350   149   529	<b>7</b> Check here if applying under section: a <input type="checkbox"/> 501(e) b <input type="checkbox"/> 501(f) c <input type="checkbox"/> 501(k)
<b>8</b> Did the organization previously apply for recognition of exemption under this Code section or under any other section of the Code? If "Yes," attach an explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>9</b> Is the organization required to file Form 990 (or Form 990-EZ)? If "No," attach an explanation (see page 3 of the Specific Instructions). <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>10</b> Has the organization filed Federal income tax returns or exempt organization information returns? If "Yes," state the form numbers, years filed, and Internal Revenue office where filed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**11** Check the box for the type of organization. ATTACH A CONFORMED COPY OF THE CORRESPONDING ORGANIZING DOCUMENTS TO THE APPLICATION BEFORE MAILING. (See Specific Instructions for Part I, Line 11, on page 3) Get Pub. 557, Tax-Exempt Status for Your Organization, for examples of organizational documents.)

- a  Corporation— Attach a copy of the Articles of Incorporation (including amendments and restatements) showing approval by the appropriate state official; also include a copy of the bylaws.
- b  Trust— Attach a copy of the Trust Indenture or Agreement, including all appropriate signatures and dates.
- c  Association— Attach a copy of the Articles of Association, Constitution, or other creating document, with a declaration (see instructions) or other evidence the organization was formed by adoption of the document by more than one person; also include a copy of the bylaws.

If the organization is a corporation or an unincorporated association that has not yet adopted bylaws, check here

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here  (Signature)  (Title or authority of signer) 9/17/97 (Date)

**Part II** Activities and Operational Information

- 1 Provide a detailed narrative description of all the activities of the organization—past, present, and planned. Do not merely refer to or repeat the language in the organizational document. List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity furthers your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

See Exhibit C at pp. 1-2

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- 2 What are or will be the organization's sources of financial support? List in order of size.

foundations

other environmental nonprofit organizations

individuals

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- 3 Describe the organization's fundraising program, both actual and planned, and explain to what extent it has been put into effect. Include details of fundraising activities such as selective mailings, formation of fundraising committees, use of volunteers or professional fundraisers, etc. Attach representative copies of solicitations for financial support. The Board of Directors will rely on personal contacts to raise initial funding for the Project. Thereafter, private foundation grants will be sought as the primary source of funding. Contributions from individuals and other nonprofit organizations with an interest in conservation may also be received. The use of a professional fundraiser is not anticipated.
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Exhibit C

National Biodiversity Advocacy Project  
c/o Eric Glitzenstein  
1601 Connecticut Avenue, N.W., Suite 450  
Washington, D.C. 20009-1035

Responses to Form 1023

Part II, Line 1 -- Statement of Activities

The purpose of the National Biodiversity Advocacy Project ("NBAP") is to promote conservation of the nation's and world's biodiversity resources, protection of wildlife, and curtailment of animal abuse and exploitation, primarily by providing media, educational, legal, technical and other forms of support and advocacy to grassroots activists throughout the country.

There are many grassroots activists throughout the nation who are struggling against enormous political and economic odds to save individual species and their habitats from destruction and degradation. Many of these struggles are worthy of national interest and concern but have not been the subject of widespread public awareness because the grassroots activists lack the resources, expertise, and national focus necessary to accomplish such awareness.

NBAP's primary activity will be to seek to complement and supplement the efforts of these activists by gaining greater national attention for the plight of species and ecosystems on whose behalf they are working. NBAP will pursue national media interest in appropriate cases, maintaining a press list of environmental journalists and issuing press releases and other materials on a nationwide, regional, or local basis, as appropriate. It will also prepare and distribute op-ed pieces, letters to the editor, and other opinion pieces.

NBAP also anticipates participating on behalf of grassroots activists in federal and state administrative activities pertaining to endangered species, biodiversity, and animal protection issues. In particular, NBAP will comment on proposed rulemakings in connection with such issues, as well as file petitions to initiate rulemakings with federal and state agencies seeking actions that afford necessary protection to species, ecosystems, and animals. Such activities will be integrated with and supported by the media efforts described above.

In addition to these activities, NBAP will seek to coordinate the efforts of grassroots biodiversity activists in

other ways. For example, NBAP contemplates establishing a data base of conservation biologists who have expertise on particular species and ecosystems and who may be willing to share their expertise with activists in different parts of the country. NBAP will also serve as an informal clearinghouse through which grassroots activists from different parts of the country may learn about each other's activities.

Finally, NBAP may also engage in limited advocacy activities dealing with members of Congress and the Executive Branch on legislative and policy issues pertaining to biodiversity, habitat protection, and animal welfare. NBAP does not anticipate spending more than 10% of its time or resources on such activities, only a portion of which would constitute attempting to influence legislation as defined in the Internal Revenue Code and the regulations thereunder. Nonetheless, NBAP has chosen to make the section 501(h) election, and a Form 5768 is attached hereto. (See Part II, line 13 of Form 1023.)

Part II, Line 4 -- Directors and Officers

Andrew Patrick Caputo 1200 New York Avenue, N.W. Suite 400 Washington, D.C. 20005	Director
Eric R. Glitzenstein 1601 Connecticut Avenue, N.W. Suite 450 Washington, D.C. 20009	Director and President
Peter Infante 200 Constitution Avenue, N.W. Room N3718 Washington, D.C. 20210	Director
Holly Jensen 11714 Southwest 89th Street Gainesville, Florida 32608	Director
Katherine Anne Meyer 1601 Connecticut Avenue, N.W. Suite 450 Washington, D.C. 20009	Director and Secretary-Treasurer