

PLAINTIFFS' EXHIBIT 52

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)

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March 30, 2007

Sent by Certified Mail

Mr. Kenneth Feld, President
Feld Entertainment Inc.
Ringling Brothers and Barnum & Bailey Circus
8607 Westwood Center Drive
Vienna, VA 22182

Re: **60-Day Notice Letter**
Under the Endangered Species Act

Dear Mr. Feld:

This letter is written on behalf of Archele Hundley, Robert Tom, Jr. and Margaret Tom – all of whom are former employees of Feld Entertainment, Inc. (“FEI”) and the Ringling Bros. circus (herein collectively referred to as “Ringling Bros.”). Mrs. Hundley worked for the circus from approximately April 20, 2006 through June 27, 2006; Mr. and Mrs. Tom worked for the circus for about two years until August 6, 2006.

Pursuant to 16 U.S.C. § 1540(g) these former employees provide you with notice of violations of the Endangered Species Act (“ESA”), 16 U.S.C. § 1538, including the prohibition of the “taking” of any endangered species, 16 U.S.C. § 1538(a)(1)(B), the prohibition of the “possession” and “transportation” of any endangered species that has been unlawfully taken, *id.* § 1538(a)(1)(D), and the prohibitions against the transportation of endangered species in interstate commerce in the course of a commercial activity, except as permitted by the Fish and Wildlife Service, *id.* § 1538(a)(1)(E). Ringling Bros.’ treatment of the elephants also violates the permit that was issued by the Fish and Wildlife Service (“FWS”) and the FWS’s regulations implementing the ESA, 50 C.F.R. §§ 13.41, 13.48, which require that the animals be maintained in a “humane and healthful” manner, and that any person holding a permit also comply with “all applicable laws and regulations governing the permitted activity,” which would include all standards and regulations issued by the U.S. Department of Agriculture under the Animal Welfare Act (“AWA”), 7 U.S.C. § 2131 *et seq.*



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Ringling Bros. is in violation of all of these requirements because its elephant handlers and caretakers routinely beat, strike, and hit Asian elephants with sharp bull hooks which "harms," "harasses," and "wounds" these animals, and therefore constitutes an illegal "take" of the elephants under the ESA. Such conduct further violates Ringling Bros.' ESA permit because it is not humane or healthful for the elephants, and is done not to "enhance the propagation or survival" of an endangered species, but rather to make the elephants submissive so that they will perform on command in your extremely profitable circus. See 6 U.S.C. § 1539(a)(1)(A); 50 C.F.R. § 17.21(g). This conduct also violates AWA standards which provide that "[p]hysical abuse shall not be used to train, work, or otherwise handle animals," that "[h]andling of all animals shall be done . . . in a manner that does not cause trauma, . . . behavioral stress, physical harm, or unnecessary discomfort," and that "[y]oung or immature animals shall not be exposed to rough or excessive public handling." 9 C.F.R. § 2.131(a), (b).

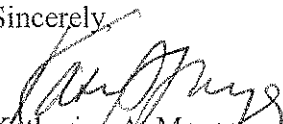
Ringling Bros. is also in violation of the ESA and the permit issued by the FWS because it keeps the Asian elephants chained for most of the day and night. Such treatment of these magnificent animals "harms" and "harasses" them by restricting their movement and keeping them from engaging in normal species-typical behavior, and thereby constitutes an illegal "take" of the animals under the ESA. Such conduct also violates the ESA permit issued by the FWS because it is not healthful or humane for the elephants, is not being done for the purpose of "enhancing the propagation or survival" of the species, 50 C.F.R. § 17.21(g), and violates AWA standards which provide that animals must be provided sufficient space "to make normal postural and social adjustments with adequate freedom of movement . . ." 9 C.F.R. §§ 3.128, 3.137(c).

These former employees witnessed these violations of the ESA on a daily basis when they worked on the Red Unit at the circus, and observed that such practices are routine and part of the well entrenched culture of the circus. These former employees observed both high-level handlers and low-level caretakers routinely use bull hooks to hit, strike, or beat elephants, including, but not limited to the following individuals who worked on the Red Unit while Mrs. Hundley and Mr. and Mrs. Tom were employed there: Sasha Houcke, Alex Vargas, Antonio Olmeda, Jimmy Strickland, George Burns, Pista, Yuri, Ryan, and Jeff. Mrs. Hundley and Mr. and Mrs. Tom also observed that the elephants were clearly afraid of the handlers and caretakers, and that the elephants were chained all night and the vast majority of each day.

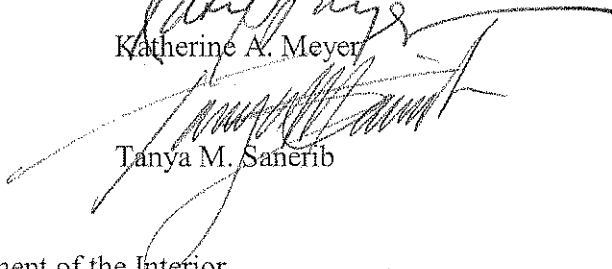
You have previously been put on notice of evidence of violations of the ESA concerning these same practices by letters from others dated December 21, 1998, November 15, 1999, April 12, 2001, and July 22, 2005 (attached). The bull hook and chaining practices complained of in this letter are precisely the same kind of bull hook and chaining practices included in those letters, and yet these illegal activities continue day after day at the Ringling Bros. circus. Accordingly, by this letter, you are on notice of Ringling Bros.' additional and continuing violations of the law.

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Sincerely,



Katherine A. Meyer



Tanya M. Sanerib

cc: Dirk Kempthorne, Secretary of the Department of the Interior
Dale Hall, Director, Fish and Wildlife Service
John Simpson, Fullbright & Jaworski