

PLAINTIFFS' EXHIBIT 4

To Plaintiffs' Opposition to Defendants' Motion to
Compel Discovery from Plaintiff Tom Rider and For
Sanctions, Including Dismissal
Civ. No. 03-2006 (EGS/JMF)

- Alex Vargas
- Ellen Weidner, DVM
- Virgil Andrew Weller
- Gary West, DVM, former attending veterinarian. Contact information: 5219 Ashton Audrey, San Antonio, TX 78249, 210-734-7184.
- Dave Whaley
- David Wiley
- Ben Williams, CEC handler
- James Williams, CEC developmental elephant care manager
- Trudy Williams, CEC handler

6. For the years 1994 to the present, provide information concerning Ringling's policies and practices with respect to the use of an ankus, whip, or any other instrument, to train, control, discipline, correct, separate, wean, guide, or perform with elephants, including a description of such policies and practices, the identity of all Ringling employees who own or use an ankus, and the identity of the person(s) who made each such ankus and a detailed description each such ankus, including, but not limited to, the materials from which it is made; identify all records that in any way relate to Ringling's policies or practices with respect to the use of an ankus, whip, or any other instrument, to train, control, discipline, correct, separate, wean, guide, or perform with elephants.

Response: Defendants object to this interrogatory on the grounds of the General Objections.

As to the first subpart, addressing defendants' "policies and practices," defendants further object that the interrogatory is unreasonably cumulative and duplicative, asking twice for the same type of "policies and practices" and for information duplicative of that requested in Interrogatory No. 7. Subject to and without waiving these general and specific objections, defendants incorporate by reference their response to Interrogatory No. 7, *infra*. Defendants further state that their employees are not permitted to use whips with elephants. Defendants state that ankuses used by their employees are designed and maintained so that they will not cause injury to elephants when they are properly used.

As to the second subpart, addressing ownership, use, and qualities of ankuses, defendants object that the interrogatory is overbroad, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is unduly burdensome, particularly in its request that defendants gather information regarding the maker and composition of

every ankus ever used by any of defendants' employees over a ten-year period. Subject to and without waiving this objection, defendants state that they have purchased ankuses from Charlie Gray of the African Lion Safari, RR #1, Cambridge, Ontario, Canada. In addition, subject to Federal Rule of Civil Procedure 33(d), defendants will provide records in their custody dating from January 1, 1996, that concern ankuses.

7. State whether, and under what circumstances, it is a permissible Ringling practice for an employee to hit an elephant with an ankus, whip, or other instrument, to poke or hook an elephant with an ankus, whip, or other instrument, or to lead an elephant by the ear or other part of the body with an ankus or other instrument.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the grounds that it is vague and ambiguous as to "poke" and "hook." Subject to and without waiving these general and specific objections, defendants respond as follows:

Only certain of defendants' qualified employees may use ankuses. Defendants permit those employees to use an ankus as a guide, enabling the employee to have physical contact with the elephant as a means of communicating or reinforcing directions. The ankus also may serve as an extension of the employee's arm in helping to guide the elephant. Defendants' employees who are qualified to use an ankus may use an ankus in directing or guiding elephants as a way to reinforce voice commands, which are the primary means by which defendants' employees communicate with the elephants. Ankuses also may be used in circumstances in which it is difficult for the elephants to hear voice commands. The particular way in which an ankus is used depends upon the circumstances in which it is used. Employees who use ankuses are not permitted to use an ankus intentionally to injure an elephant or with the intent of inflicting pain. Further, as stated in response to Interrogatory No. 6, defendants' employees are not permitted use whips with elephants.

8. For each elephant that Ringling owned or leased from 1994 to the present, provide detailed information about each such animal, including the name of the animal, the circumstances under which Ringling obtained possession of the animal, whether the animal was born in the wild or in captivity, the date of birth of the animal, and whether the animal has died. If the animal has died, provide the date he or she died and the cause of death. If the animal is still alive, provide the current

location of the animal, whether he or she performs with the “Red Unit,” the “Blue Unit,” is at the CEC or the Williston facility, or elsewhere, whether the animal has produced any offspring, and if so, the name of each such offspring, whether and how the elephant is genetically related to other Ringling elephants. Identify all records that in any way relate to the information requested by this Interrogatory.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad and unduly burdensome. Subject to and without waiving these general and specific objections, pursuant to Federal Rule of Civil Procedure 33(d), defendants will produce records for each elephant.

9. For each of the elephants identified in response to Interrogatory No. 8, provide information regarding the Ringling employees who worked with each such elephant, including, but not limited to, identifying the persons who worked with each such animal, the time period of such work, and each such person’s responsibilities with respect to the animal, and identifying all veterinarians who treated or cared for each such animal. Identify all documents and records that in any way relate to the information requested by this Interrogatory.

Response: Defendants object to this interrogatory on the grounds of the General Objections, the objections stated in response to Interrogatory No. 5, and on the further grounds that it is overbroad, unduly burdensome, vague and ambiguous in its reference to “provid[ing] information” and “work[ing] . . . with elephant[s],” seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and would require defendants to perform a special study in order to determine which employees worked with each elephant at any time. Without waiving these objections, defendants respond by referring to the information provided in response to Interrogatories 5 and 8, and documents being produced.

10. Describe Ringling’s policy and practice with respect to weaning or otherwise separating baby elephants from their mothers, and whether elephants who are related by blood are housed together or separately, and identify all records that in any way relate to such policies and practices.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to “policy and practice.”

mother to a pen at the other end of the barn, a distance of approximately 50 yards, where the young elephant joins other young elephants. The young elephant is tethered in the pen and the adult elephant is led away. As soon as is feasible, the remaining cotton bands also are removed from the young elephant's legs.

As to the second subpart of the interrogatory, regarding "hous[ing] together" elephants that are "related by blood," defendants object that this subpart is vague and ambiguous in its use of the terms "related by blood" and "housed together," overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waving these general and specific objections, defendants state that which elephants are "housed" together depends on a variety of factors, including but not limited to the facility at which the elephants are located and the compatibility and personality of individual elephants.

11. Identify all records that pertain in any way to Ringling's efforts to breed Asian elephants in captivity, including, but not limited to, records that identify each such effort that has been made since 1994, how that effort was undertaken, when that effort was undertaken, whether artificial insemination or any similar method was used, the result of each such effort, the amount of money spent on each such effort, the outcome of each such effort, the identity of the mothers and resulting calves for each such effort, the complete medical history of the mother involved in each such effort, including both before and after such effort was undertaken, the complete medical history, up to the present, of each of the offspring that was produced as a result of each such effort, and the current age and location of each such mother and offspring of each such effort.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad as to "efforts" to breed elephants and overbroad and extremely burdensome to the extent that it implicates all records regarding the CEC, which was built for the purpose of elephant breeding and conservation. Defendants further object to this interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and information that is duplicative of that sought in Interrogatory No. 8. Subject to and without waving these general and specific objections,

pursuant to Federal Rule of Civil Procedure 33(d), defendants will produce records relating to their breeding program.

12. Describe Ringling's practices and procedures with respect to providing for social interaction among the elephants, and psychological enrichment and daily exercise for the elephants. Identify all records that reflect such practices and procedures.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to "practices and procedures," "providing for social interaction among the elephants," and "psychological enrichment." Subject to and without waiving these general and specific objections, defendants respond as follows:

Defendants' elephants are housed in compatible groups and provided with a wide variety of objects to enhance their enrichment, such as sticks, branches, tree limbs, tires, platforms, plastic traffic cones, sand piles, balls, and an "ultimate elephant toy" that consists of a plastic barrel in which fruit can be placed. They also are provided with playful food items such as fruit embedded in blocks of ice and pumpkins. In the summer, the elephants have access to pools of water in which they can play, and elephants at the CEC and Williston retirement facility can frolic in the spray of water cannons or water guns. In addition, the elephants enjoy standing on the tubs with which they perform, even when they are not performing. The elephants' presentations and animal walks to performance venues also provide them with exercise and stimulation. In addition, close daily interaction with Ringling animal care staff contribute to the elephants' psychological enrichment, as do the changing environments provided by the elephants' travels.

13. Describe Ringling's practices and procedures with respect to the chaining of elephants when they are not actually performing and when they are not on the train, including, but not limited to, when the circus is stationed in one venue for a period of time, and when the elephants are maintained at the CEC or at the Williston facility, and describe the other conditions in which the animals are kept, including, but not limited to, their housing and bedding. Identify all documents and records that reflect or pertain to such practices or procedures.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to "practices and

17. Describe all Ringling practices and procedures with respect to video, audio, or any other recordings that may concern elephants or personnel who work with elephants, including, for example, whether Ringling videotapes training sessions, rehearsals, breeding, or performances, and whether Ringling uses video or other types of cameras for security or surveillance purposes; and identify all video, audio, or other recordings that have been made by or for Ringling in the last ten years that involve, concern, or record elephants or individuals who work with elephants.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, and vague and ambiguous in its reference to “practices and procedures,” “may concern elephants,” “personnel who work with elephants,” and “that involve, concern, or record elephants or individuals who work with elephants.” Subject to and without waiving these general and specific objections, defendants respond as follows:

Defendants currently operate four cameras in the elephant barn at the CEC. One of these cameras is, at present, trained full-time on the young elephant Riccardo, who was born in December 2003. The other three cameras focus on other elephants in the elephant barn. These cameras provide closed-circuit feeds of the elephants’ activities, which are monitored by defendants’ employees; the cameras do not contain videotape or audiotape.

Defendants’ employees shoot thousands of hours of videotape each year. These tapes are used for a variety of purposes, including to produce video press kits, video programs that are available for sale to the public, and television commercials. Defendants also sometimes videotape the birth of elephants at the CEC.

18. Provide information concerning Ringling’s relationship with USDA personnel, including, but not limited to a description of each meeting, conference, seminar, training session, visit, social gathering, or other function that took place from 1994 to the present, that involved both Ringling personnel and USDA personnel; provide the date(s) for each such event, describe the circumstances and purpose of the event, identify each person who attended the event and where it was held, state the total cost to Ringling to participate in or host the event, identify all records that in any way relate to that event, and provide all of the same information with respect to all such events that are planned for the future.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad and vague and ambiguous in its references to “Ringling’s relationship with USDA personnel”; “meeting, conference, seminar, training session, visit, social gathering, or other function”; “involved both Ringling personnel and USDA personnel”; “total cost,” and “all records that in any way relate to that event.” Further, because the U.S. Department of Agriculture (“USDA”) closely regulates defendants’ operations under the Animal Welfare Act — a continuous, ongoing process — this interrogatory embraces hundreds of contacts, and thus is vastly overbroad and would be extraordinarily burdensome for defendants to answer.

Subject to and without waiving these general and specific objections, pursuant to Federal Rule of Civil Procedure 33(d), defendants will produce the requested records as to USDA inspections and training sessions involving USDA personnel that have occurred since January 1, 1996. Defendants also state that USDA personnel have participated in the following events since January 1, 1996:

Date: December 1998

Event: USDA Animal and Plant Health Inspection Service (APHIS) tour of CEC and winter quarters

Location: Polk City, Florida (winter quarters)

Attendees: Seven APHIS staffers, including Dr. Ron DeHaven, then acting administrator of APHIS/Animal Care at USDA and Feld employees, Joan Galvin, Jim Williams, and Peggy Williams.

Date: April 22, 1999

Event: USDA APHIS training seminar

Location: Polk City, Florida (CEC)

Attendees: 22 APHIS staffers: Ralph Ayers, Lisa Bellamy, Clem Dussault, Kurt Hammel, Tom James, Rick Kirsten, Scott Price, Karla Wills, Ellen Magid, Sylvia Taylor, Lynn Bourgeois, Greg Gaj, Phil Ledbetter, Nancy Ellifrit, Dane Jones, Rodney Walker, Ray Flynn, Charmain Jordan, Liz Kelpis, John Coakley, Mike Tuck, and Barb Kohn. Also attended by Feld employees, Joan Galvin and William Lindsay, DVM.

Date: August 2000

Event: Blue Unit Mock Inspection and Speech

Location: San Jose, California