

## **RIDER EXHIBIT C**

To Plaintiff Tom Rider's Motion for a Protective  
Order with Respect to Certain Financial Information  
Civ. No. 03-2006 (EGS/JMF)

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.

Civ. No. 00-01641 (EGS)

**PLAINTIFFS' INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)  
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Plaintiffs hereby submit their Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, and the parties' Stipulated Pre-trial Schedule. Plaintiffs reserve the right to amend or supplement these disclosures as discovery proceeds.

**I. Rule 26(a)(1)(A) Disclosures**

To date, plaintiffs have identified the following individuals likely to have discoverable information that plaintiffs may use to support their claims in this case. Although plaintiffs have not yet determined which of these individuals they will use to support their claims, plaintiffs "may" use any of them. If as discovery proceeds plaintiffs determine that they will definitely not be relying on a particular witness, or they identify additional individuals who may serve as witnesses, they will supplement these disclosures accordingly.

Although plaintiffs have made all reasonable efforts to determine addresses and phone numbers of the individuals on this list, some addresses and phone numbers remain unknown to plaintiffs at this time. If and when plaintiffs determine the remaining addresses and phone numbers, they will supplement these disclosures accordingly.

Knowledge of evidence of mistreatment of Ringling elephants

Dr. Dave Warner

USDA  
c/o APHIS  
4700 River Road, Unit 85  
Riverdale, MD 20737

Knowledge of evidence of mistreatment and condition of Ringling elephants

Charles Willey

USDA, IES  
P.O. Box 171  
Avoca, WI 53506

Knowledge of evidence of mistreatment and condition of Ringling elephants

Neil W. Williamson

USDA  
c/o APHIS  
4700 River Road, Unit 85  
Riverdale, MD 20737

Knowledge of evidence of mistreatment of Ringling elephants, Ringling's violations of the Animal Welfare Act

## II. Rule 26(a)(1)(B) Disclosures

To date, plaintiffs have in their possession, custody, or control documents and other tangible items in the following categories that plaintiffs may use to support their claims in this case. The inclusion of records in these disclosures shall not be construed to waive either the attorney-client or the work product privileges generally or with respect to any particular records.

All of the documents and other items on this list are located at the offices of plaintiffs' counsel: Meyer & Glitzenstein, 1601 Connecticut Avenue, NW, Suite 700, Washington, D.C., 20009.

1. Records related to Feld Entertainment, Ringling Brothers, and Ringling Brothers' elephants, that were provided to plaintiffs by the United States Department of Agriculture in response to Freedom of Information Act requests submitted by plaintiffs. This includes but is not limited to memoranda, inspection reports, correspondence, witness or expert statements, photographs, and other materials in the possession of the USDA.

2. Pleadings, exhibits, and correspondence related to ASPCA v. USDA, Civ. No. 01-02628 (D.D.C.) (RJL) (Freedom of Information Act case).
3. September 2003 report prepared by plaintiffs entitled "Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants," and all documents associated with that report and contained therein.
4. Documents prepared by or for Ringling Brothers, including: Ringling Brothers' applications to U.S. Fish and Wildlife Service for export and re-import of elephants and other animals to foreign countries; Ringling Brothers' comments on USDA/APHIS draft policy on training and handling of dangerous animals; Ringling Brothers' news releases, web site material, and other materials for public dissemination; Ringling Brothers' "elephant inventory;" survey prepared for Feld Entertainment concerning public views on a ban of circus animal acts.
5. Documents related to Ringling Brothers' performances in Mexico City, and export and re-import of elephants associated therewith.
6. Miscellaneous other documents related to Ringling Brothers' use and treatment of elephants.
7. Correspondence between animal advocates (including plaintiffs) and the USDA concerning Ringling Brothers' compliance with the Animal Welfare Act, and evidence or records associated with that correspondence.
8. Correspondence between animal advocates (including plaintiffs) and Feld Entertainment or the Department of Interior (Fish and Wildlife Service) concerning Feld/Ringling Brothers' violations of the Endangered Species Act, and evidence or records associated with that correspondence.
9. Documents related to other circuses' use of elephants, including Clyde Beatty Cole Brothers and King Royal Circus.
10. Documents related to the presence of tuberculosis in circus elephants.
11. Documents related to legislative bans on use of animals in circuses in U.S. jurisdictions and foreign jurisdictions.
12. Documents related to captive elephant rampages, trappings, and dangerous captive elephant behavior.
13. Documents related to H.R. 2929, a Bill entitled the "Captive Elephant Accident Prevention Act," including testimony, media, fact sheets, and correspondence.

14. Materials from USDA elephant inspection training courses, including but not limited to: articles and documents related to elephant pathology and physiology, care and treatment of elephants, elephant training practices, elephant social and physical needs.
15. Other documents related to the training of elephants in captivity, including but not limited to: American Zoological Association guidelines; correspondence.
16. General materials related to elephant behavior and physiology (both in captivity and in the wild), including but not limited to scientific articles and reports.
17. Additional materials concerning the behavior and physiology of elephants submitted or obtained by plaintiffs' counsel in connection with In Defense of Animals v. Fish and Wildlife Service, Civ. No. 02-2068 (D.D.C.), and Born Free USA v. Norton, 278 F. Supp.2d 5 (D.D.C. Aug. 8, 2003), *vacated*.
18. Fact sheets/reports concerning the use and treatment of elephants in circuses (including Ringling Brothers Circus), and records underlying or associated with those fact sheets/reports.
19. Letters in opposition to use of elephants in circuses.
20. Documents related to international elephant issues (e.g., Tuli baby elephants, Loki)
21. Pleadings, exhibits, and hearing transcripts in this case.
22. Pleadings and other documents related to Performing Animal Welfare Society v. Feld Entertainment, Civ. No. 00-1259 (E.D. Cal.) (GEB).
23. Media-related documents, including but not limited to: press releases produced by plaintiffs; letters to the editor; articles concerning Ringling Brothers, its employees, or its treatment of elephants; articles concerning plaintiffs; articles concerning elephants in circuses or captivity in general; articles concerning elephants in the wild.
24. Photographs from sources other than USDA of Ringling Brothers' elephants, facilities, and bull hook.
25. Video tapes, including: footage of Ringling Brothers' elephants, trainers, and handlers; news stories concerning Ringling Brothers and its treatment of elephants; footage and news stories concerning other circuses' treatment of elephants.

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Katherine A. Meyer (D.C. Bar No. 24301)