

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE :
PREVENTION OF CRUELTY TO :
ANIMALS, et al., :

Plaintiffs, :

v. :

Case No. 03-2006 (EGS/JMF)

RINGLING BROS. AND BARNUM & :
BAILEY CIRCUS, et al., :

Defendants. :

EXHIBIT 35

TO

**REPLY IN SUPPORT OF FEI'S MOTION TO COMPEL
DISCOVERY FROM PLAINTIFF TOM RIDER AND
FOR SANCTIONS, INCLUDING DISMISSAL**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u> ,)	
)	
)	
)	
Plaintiffs,)	Civ. No. 00-01641 (EGS)
)	
v.)	
)	
RINGLING BROS. AND BARNUM & BAILEY CIRCUT, <u>et al.</u> ,)	
)	
Defendants.)	

**PLAINTIFF ANIMAL WELFARE INSTITUTE'S RESPONSES AND
OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO
PLAINTIFFS AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY
TO ANIMALS, ANIMAL WELFARE INSTITUTE, AND FUND FOR ANIMALS**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties,
plaintiff Animal Welfare Institute ("AWI") hereby offers the following objections and
responses to Defendants' First Set of Interrogatories to AWI.

DEFINITIONS

1. As used herein, "irrelevant" means not relevant to the subject matter of
this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. AWI's general objections, as set forth herein, are to be considered
continuing objections and responses to the specific Interrogatories that follow, even if not
referred to in the objection and response to a specific Interrogatory. AWI's objections

and without waiving this or the general objections to these Interrogatories, AWI states that Cathy Liss, President of AWI, had a brief phone conversation in 2002 with Ted Friend, a researcher based in Texas, in which he said that Ringling treats its animals (elephants and big cats) okay. He did not go into detail, but indicated that he felt animal protection groups were unfounded in their complaints. Other than that, AWI has not had any communications with any person who has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Interrogatory No. 21:

Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Objection and Response to Interrogatory No. 21:

AWI objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive. Subject to and without waiving this or the general objections, AWI estimates that approximately half of its program activities are related to improving conditions for captive animals, with an average annual total expenditure of approximately \$437,000 from 1997 to the present. Since 1997 AWI has spent on average approximately \$28,000/year producing educational materials "advocating better treatment of animals held in captivity," including \$14,666 to publish Comfortable Quarters for Laboratory Animals, and \$12,754 to publish Environmental Enrichment for Caged Rhesus Macaques. AWI spends about \$25,000/year speaking and/or attending and distributing educational material on improving the treatment of animals in captivity at symposia, and approximately \$25,000/year conducting research and writing to encourage better treatment of captive animals. AWI has produced databases on enriching the lives

of captive animals for use by the general public, and maintains an on-line forum on enriching the lives of captive animals. The cost for updating the databases and maintaining the forum is approximately \$40,000/year. AWI provides guidance directly to individuals who have animals in captivity about ways to improve the conditions for their animals and spend approximately \$32,000/year on this activity. Many of the documents produced by AWI in response to defendants' document requests also demonstrate resources AWI expends in advocating for the better treatment of animals in captivity.

Interrogatory No. 22:

Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Objection and Response to Interrogatory No. 22:

AWI objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these objections, AWI states that in 2000 it spent approximately 3% of the time and benefits of the Executive Director, Cathy Liss and President, Christine Stevens (full-time volunteer), as well as .5% of the overhead for its office gathering information from individuals and other organizations about Ringling Brothers' treatment of its Asian elephants, culminating in AWI's decision to become a co-plaintiff in this action; a total resource expenditure of approximately \$6,650. AWI states that it spent approximately \$4,000 between 2001 and 2003 pursuing a Freedom of Information Act case against the United States Department of Agriculture for documents related to defendants' treatment of their elephants. AWI also spent approximately \$14,000 between 2002 and 2003 in reviewing the documents received in

response to the Freedom of Information Act law suit, and compiling a report based on those documents concerning the United States Department of Agriculture's failure to enforce the Animal Welfare Act against defendants. In addition, annually AWI expends miscellaneous staff resources searching the news, the internet, and other sources for information related to defendants' treatment of their elephants.

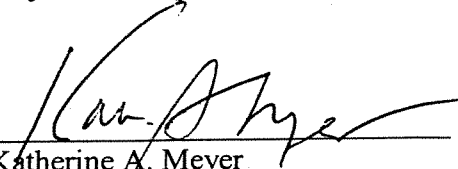
Interrogatory No. 23:

Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Objection and Response to Interrogatory No. 23:

AWI objects to this Interrogatory on the ground that the plaintiffs have already provided this basic information with their initial disclosures, and to provide further details at this point would reveal the work product of their attorneys. Subject to and without waiving the foregoing or general objections to these Interrogatories, AWI states that the subject and substance of the testimony that Tom Rider will provide is described in Mr. Rider's answers to the Interrogatories directed to him.

Objections respectfully submitted by,


Katherine A. Meyer
(D.C. Bar No. 244301)
Kimberly D. Ockene
(D.C. Bar No. 461191)

Meyer & Glitzenstein
1601 Connecticut Ave., N.W.
Suite 700
Washington, D.C. 20009
(202) 588-5206

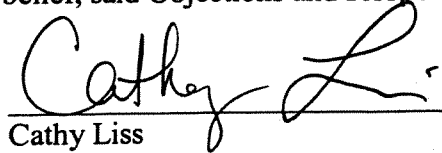
June 9, 2004

VERIFICATION

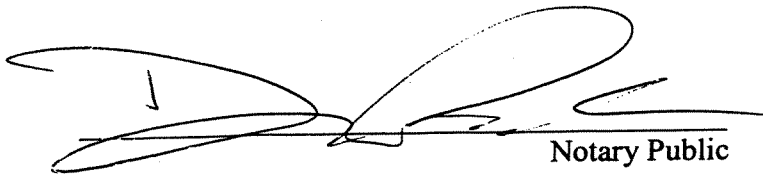
CITY OF ALEXANDRIA)
)
STATE OF VIRGINIA)

CATHY LISS, being duly sworn, says:

I am employed as the President of the Animal Welfare Institute. Animal Welfare Institute is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.


Cathy Liss

Sworn to before me this
8th day of June, 2004


Notary Public

My Commission Expires: Sept. 30, 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	Civ. No. 03-2006 (EGS)
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROS. AND BARNUM)	
& BAILEY CIRCUS, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**PLAINTIFF ANIMAL WELFARE INSTITUTE’S SUPPLEMENTAL RESPONSES
AND OBJECTIONS TO DEFENDANTS’ FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff Animal Welfare Institute (“AWI”) hereby provides the following supplemental responses and objections to Defendants’ First Set of Interrogatories.

DEFINITION

1. As used herein, “irrelevant” means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

OBJECTIONS

1. AWI hereby incorporates by reference both the general and specific objections that it made to Defendants’ First Set of Interrogatories, as well as its objections to defendants’ definitions of “describe” and “identify.”

Advocacy Project concerning Tom Rider's media and public education work for the Wildlife Advocacy Project.

In addition, Ms. Silverman attended some of the trial in People for the Ethical Treatment of Animals, Inc. v. Kenneth Feld, et al., No. 2004-220181 (Cir. Ct. Fairfax County, Va.), during 2006, and at that time had conversations about that case with Jeff Kerr and Debbie Leahy of People for the Ethical Treatment of Animals, and she also had a conversation during that time period with Florence Lambert of the Elephant Alliance, concerning the testimony Ms. Lambert provided at that trial.

Ms. Silverman also talked to Nicole Paquette of the Animal Protection Institute about legislation pending in Nebraska, and she also talked to Ms. Paquette in conjunction with a press conference she attended in Sacramento, California in September 2005 concerning Ringling Bros.' mistreatment of captive elephants.

Interrogatory No. 20: Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Supplemental Response to Interrogatory No. 20:

AWI has nothing to add to its original answer to this Interrogatory

Interrogatory No. 21: Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Supplemental Response to Interrogatory No. 21:

Subject to and without waiving its previous objections to this Interrogatory, AWI states that since June 2004 it has spent an average of approximately \$440,000 annually on program

activities related to improving conditions for captive animals; an average of approximately \$49,800 a year producing educational materials advocating better treatment of animals held in captivity; approximately \$22,380 a year speaking at and/or attending and distributing educational materials on improving the treatment of animals in captivity at symposia and approximately \$23,000 a year conducting research and writing to encourage better treatment of animals; approximately \$38,900 a year updating databases and maintaining an on-line forum on enriching the lives of captive animals; and approximately \$38,850 a year providing guidance directly to individuals who have animals in captivity about ways to improve the conditions for their animals.

AWI has made contributions to the Wildlife Advocacy Project for advocacy work for public education on the issue of the treatment of elephants held in captivity. Documents reflecting these contributions have been produced by AWI and are hereby incorporated by reference, AWI 06494-06506.

AWI also spent approximately \$768.73 in September 2005 in connection with Tracy Silverman attending a press conference in Sacramento California concerning Ringling Bros.' mistreatment of elephants.

Interrogatory No. 22: Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Supplemental Response to Interrogatory No. 22:

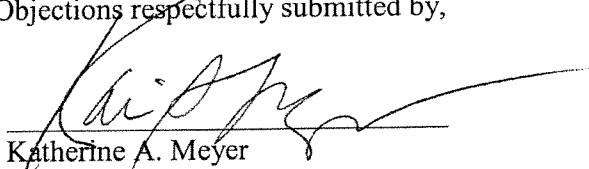
Subject to and without waiving their previous objections to this Interrogatory, AWI states that it has spent approximately \$12,102.10 on legal fees and costs pursuing information from the United States Department of Agriculture concerning defendants' actions and treatment of elephants.

Interrogatory No. 23: Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Supplemental Response to Interrogatory No. 23:

Subject to and without waiving its previous objections to this Interrogatory, AWI additionally states that the subject and substance of the testimony that Tom Rider will provide is further described in Mr. Rider's deposition testimony that was given on October 12, 2006, which AWI hereby incorporates by reference. In addition, the substance and subject of the testimony of Miyun Park was provided by deposition on January 5, 2005; the substance and subject of the testimony of Betsy Swart was provided by deposition on March 18, 2005; and the substance and subject of the testimony of Angela D. Martin was provided by deposition on March 9, 2005, all of which AWI hereby incorporates by reference.

Objections respectfully submitted by,



Katherine A. Meyer
(D.C. Bar No. 244301)
Tanya M. Sanerib
(D.C. Bar No. 473506)
Howard M. Crystal
(D.C. Bar No. 446189)

Meyer Glitzenstein & Crystal
1601 Connecticut Ave., N.W., Suite 700
Washington, D.C. 20009
(202) 588-5206

Dated: January 31, 2007

VERIFICATION

CITY OF ALEXANDRIA)
)
)
STATE OF VIRGINIA)

TRACY SILVERMAN, being duly sworn, says:

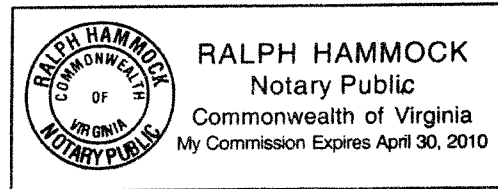
I am employed as Legal Associate for the Animal Welfare Institute ("AWI") and Legislative Counsel for the Society for Animal Protective Legislation, a division of AWI. AWI is a plaintiff in this case. I have read the foregoing supplemental objections and responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

Tracy Silverman
Tracy Silverman

Sworn to before me this

30th day of January, 2007

Ralph Hammock
Notary Public



My Commission Expires:

APR 30, 2010

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u> ,)	
)	
)	
)	
Plaintiffs,)	Civ. No. 03-2006 (EGS)
)	
v.)	
)	
RINGLING BROS. AND BARNUM & BAILEY CIRCUS, <u>et al.</u> ,)	
)	
Defendants.)	

**PLAINTIFF AMERICAN SOCIETY FOR PREVENTION
OF CRUELTY TO ANIMALS' RESPONSES AND
OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following objections and responses to Defendants' First Set of Interrogatories to the ASPCA.

DEFINITIONS

1. As used herein, "irrelevant" means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. The ASPCA's general objections, as set forth herein, are to be considered continuing objections and responses to the specific Interrogatories that follow, even if not referred to in the objection and response to a specific Interrogatory. The ASPCA's

None.

Interrogatory No. 21:

Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Objection and Response to Interrogatory No. 21:

The ASPCA objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive and calls for confidential proprietary financial information. Subject to and without waiving this objection and the general objections to these Interrogatories, the ASPCA responds as follows:

1997: (see attached Form 990)

10% of salaries, benefits, and support expenses of Government Affairs New York and DC Offices: \$265,000 + \$220,000 = \$48,000

Communications (*Animal Watch*
@ \$3,000/page) \$ 4,500

Total for 1997: \$52,500

1998: (see attached Form 990)

10% of salaries, benefits, and support expenses of Government Affairs New York and DC Offices: \$100,000 + \$100,000 = \$20,000

Supporting expenses (5% of \$567,000) \$28,000

California circus ad
(see letter of 6/29/98 to Alan Berger) \$ 1,000

Humane Law Enforcement investigations
(8/4/98; 8/31/98) \$ 500

Communications (*Animal Watch* articles
@ \$ 3,000/page) \$4500

Total for 1998: \$54,000

1999: (see attached Form 990)

10% of salary and benefits of Gov't Affairs
NY and DC staff

\$ 165,000 + \$150,000 = \$30,000

10% of supporting expenses \$220,000 = \$22,000

Humane Law Enforcement investigations
(3/23; 3/24; 3/29) \$ 750

Communications (*Animal Watch* articles
@ \$3,000/page) \$ 4500

Total for 1999: \$57,250

2000:

10% of salary and benefits of Gov't Affairs NY, DC staff;
5% Midwest staff

\$248,288 + \$152,563 + \$75,000 = \$47,235

10% of supporting expenses \$ 4,000

Communications (*Animal Watch* articles
@ \$3,000/page) \$ 4500

Total for 2000: \$55,735

2001:

10% of salary and benefits of Gov't Affairs NY, DC staff;
5% Midwest staff

\$276,000 + \$238,000 + \$73,000 = \$55,000

10% of supporting expenses \$ 11,000

July 9, 2001 payment to Jungle Friends
Sanctuary (building cages for
rescued monkeys) \$ 2,500

October 13, 2001 payment to Mindy's
Memory Primate Sanctuary
(capital improvements; monkey house, cages) \$ 2500

Payment to Meyer & Glitzenstein
re Ringling lawsuit \$ 9,000

GREY2K USA (greyhound racing efforts) \$ 8,000

Humane Law Enforcement investigations
(4/2) \$ 250

Media Relations (15% of staff time) \$ 45,000

Communications (*Animal Watch* articles
@ \$3,000/page) \$ 4500

Total for 2001: \$137,750

2002:

10% of salary and benefits of Gov't Affairs NY, Midwest
and CA Midwest staff

\$323,000 +116,000 = \$43,000

10% of supporting expenses \$ 8,000

Florida pig gestation crate initiative \$25,000

WSPA circus ad campaign in Boston \$ 6,000

Florida greyhound ad (Tallahassee
Democrat) \$ 1,000

Florida lobbying on greyhound bills
(GREY2K) \$ 4,000

Meyer & Glitzenstein \$10,151

Humane Law Enforcement investigations
(3/21) \$ 250

Media Relations
- 10% of staff time \$ 30,000
- Production of video news release

and dubs of tapes about lawsuit	\$ 6,000
- faxing press releases	\$ 5,000
- PR Newswire posting press release	\$ 4,000
- Tapes of Ringling Bros' news stories	\$ 2,000
- Misc. expenses (long distance calls, faxing, fedex)	\$ 5,000

Communications (<i>Animal Watch</i> articles @ \$3,000/page)	\$ 4500
---	---------

Total for 2002:	\$153,901
-----------------	-----------

2003:

10% of salary and benefits of Gov't Affairs NY, Midwest and CA Midwest staff

\$415,000 + \$170,000 =	\$58,500
-------------------------	----------

10% of supporting expenses	\$ 8,000
----------------------------	----------

Meyer & Glitzenstein (Ringling law suit)	\$16,268
--	----------

The Victory Group (greyhound lobbying efforts in MA)	\$ 15,000
--	-----------

Dave Hatch (professional signature gathering for Denver ballot Initiative to ban exotic animal acts)	\$ 1,000
--	----------

Humane Law Enforcement inspections (7/17)	\$ 250
---	--------

Media Relations (5% of staff time)	\$ 15,000
------------------------------------	-----------

Communications (<i>Animal Watch</i> articles @ \$3,000/page)	\$ 4500
---	---------

Total for 2003:	\$118,518
-----------------	-----------

2004:

10% of salary and benefits of Gov't Affairs NY, Midwest, CA staff	\$30,000
---	----------

10% of supporting expenses	\$ 4,000
Meyer & Glitzenstein	\$ 5,000
Media Relations (5% pf staff time to date)	\$15,000
Total for 2004 to date:	\$54,000
Total Resources Expended 1997 to the present:	\$683,654

Interrogatory No. 22:

Identify each expenditure from 1997 to the present of “financial and other resources” made while “pursuing alternative sources of information about defendants’ actions and treatment of elephants” as alleged in the complaint.

Objection and Response to Interrogatory No. 22:

The ASPCA objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and calls for confidential financial information. Subject to and without waiving these and the general objections to these Interrogatories, the ASPCA states the following:

In 2000, the ASPCA spent about 5% of the time and benefits of the head of its D.C. Office, Nancy Blaney, as well as 5% of the overhead for that office gathering information from other organizations about Ringling Bros.’ treatment of Asian elephants, culminating in the ASPCA’s decision to become co-plaintiffs in this action: approximately \$13,000.

In 2001, the ASPCA gave The Wildlife Advocacy Project a grant for \$7,400 for public education about Ringling Bros.’s mistreatment of Asian elephants.

In 2002, the ASPCA spent a percentage of the salary and benefits for Lisa Weisberg – approximately \$12,000; plus \$ 7,568 for Freedom of Information Act litigation to obtain

documents from the USDA concerning Ringling Bros.' treatment of Asian elephants, and \$ 18,186 for public education expenses, for a total of \$37,754.

In 2003, the ASPCA spent a percentage of Ms. Weisberg's salary and benefits – approximately \$ 14,000; plus \$10,227.11 for Freedom of Information Act litigation, follow-up on the compilation of the USDA Report, for a total of \$24,227.11.

In 2004, to date, the ASPCA spent a percentage of Ms. Weisberg's salary and benefits – approximately \$ 1,000; plus \$ 419.69 for Freedom of Information Act litigation follow-up to obtain documents from the USDA concerning Ringling Bros.'s treatment of Asian elephants, for a total of \$1,419.69.

Total for expenditures to pursue alternate sources of information: \$83,800.80

Interrogatory No. 23:

Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Objection and Response to Interrogatory No. 23:

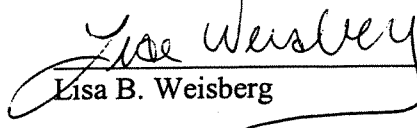
The ASPCA objects to this Interrogatory on the ground that the plaintiffs have already provided this basic information with their initial disclosures, and to provide further details at this point would reveal the work product of their attorneys. Subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA states that the subject and substance of the testimony that Tom Rider will provide is described in Mr. Rider's answers to the Interrogatories directed to him.

VERIFICATION

CITY OF NEW YORK)
)
)
STATE OF NEW YORK)

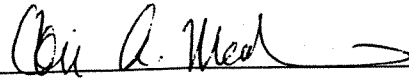
LISA B. WEISBERG, being duly sworn, says:

I am employed by the American Society for the Prevention of Cruelty to Animals ("ASPCA") as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisory. The ASPCA is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff ASPCA and know the contents thereof; and, upon information and belief, said Objections and Responses are true and correct.



Lisa B. Weisberg

Sworn to before me this
11th day of June, 2004



Notary Public

My Commission Expires:

CORI A. Menkin
Notary Public, State of New York
No. 02ME6070020
Qualified in Westchester County
Commission Expires February 19, 2012

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	Civ. No. 03-2006 (EGS)
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROS. AND BARNUM)	
& BAILEY CIRCUS, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**PLAINTIFF AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO
ANIMALS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
DEFENDANTS' INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following supplemental objections and responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals.

DEFINITION

1. As used herein, "irrelevant" means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. ASPCA hereby incorporates by reference both the general and specific objections that it made to Defendants' First Set of Interrogatories, as well as its objections to defendants' definitions of "describe" and "identify."

Jill Buckley, Legislative Liaison for ASPCA, has had conversations with employees of the Animal Protection Institute about legislation pertaining to circus animals and their treatment.

Interrogatory No. 20: Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Supplemental Response to Interrogatory No. 20:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA supplements its response by incorporating by reference FELD 0024121.

Interrogatory No. 21: Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Supplemental Response to Interrogatory No. 21:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA estimates that since 2004 it has spent approximately \$7,700 on staff time sending action alerts to ASPCA's members, writing Letters to the Editor to educate the public, writing advocacy letters to various officials, and supporting research on elephants and the conditions under which they are maintained in captivity, in order to improve the conditions under which animals, including elephants used for entertainment purposes, are held in captivity.

Interrogatory No. 22: Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Supplemental Objections and Response to Interrogatory No. 22:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that it has spent approximately \$12,110.00 on legal fees and costs pursuing information

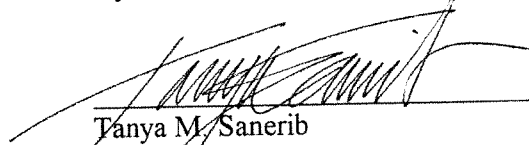
from the United States Department of Agriculture concerning defendants' actions and treatment of elephants.

Interrogatory No. 23: Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Supplemental Response to Interrogatory No. 23:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA additionally states that the subject and substance of the testimony that Tom Rider will provide is further described in Mr. Rider's deposition testimony of Tom Rider that was given on October 12, 2006, which ASPCA hereby incorporates by reference. In addition, the substance and subject of the testimony of Miyun Park was provided by deposition on January 5, 2005; the substance and subject of the testimony of Betsy Swart was provided by deposition on March 18, 2005; and the substance and subject of the testimony of Angela D. Martin was provided by deposition on March 9, 2005, all of which ASPCA hereby incorporates by reference.

Objections respectfully submitted by,



Tanya M. Sanerib
(D.C. Bar No. 473506)
Katherine A. Meyer
(D.C. Bar No. 244301)

Meyer Glitzenstein & Crystal
1601 Connecticut Ave., N.W., Suite 700
Washington, D.C. 20009
(202) 588-5206

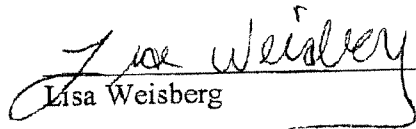
Dated: January 31, 2007

VERIFICATION

CITY OF NEW YORK)
)
)
STATE OF NEWYORK)

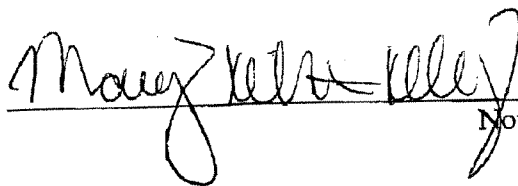
LISA WEISBERG, being duly sworn, say:

I am employed as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisor for the American Society for the Prevention of Cruelty to Animals. The American Society for the Prevention of Cruelty to Animals is a plaintiff in this case. I have read the foregoing supplemental objections and responses to Defendants' Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.



Lisa Weisberg

Sworn to before me this
31st day of January, 2007

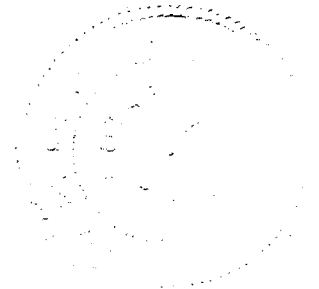


Notary Public

MARY KRISTEN KELLY
Notary Public, State of New York
No. 01KE6117001
Qualified in New York County
Commission Expires October 12, 2008

My Commission Expires:

October 12, 2008



cannot recall each such communication. Some information regarding such communications may be found in the documents provided by The Fund in response to defendants' document requests.

In addition, Michael Markarian has had numerous conversations with the other organizational plaintiffs and their attorneys in this case concerning the litigation, most of which are protected by the attorney-client privilege.

Interrogatory No. 20:

Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Objection and Response to Interrogatory No. 20:

The Fund objects to this Interrogatory on the ground that it is vague and ambiguous. In particular, The Fund does not know what is meant by the term "positive things." Subject to and without waiving this objection or the general objections to these Interrogatories, The Fund states that it is not aware of any such communications.

Interrogatory No. 21:

Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Objection and Response to Interrogatory No. 21:

The Fund objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and highly oppressive. The term "each resource" is also vague and ambiguous. Subject to and without waiving this or the general objections to the interrogatories, The Fund provides the following information concerning resources expended advocating better treatment for animals in captivity:

The following funds were expended on printing, postage, and mail services for direct mailings to members of The Fund for Animals and potential supporters on topics such as circuses, canned hunts, and animals raised in captivity for their fur:

- 1997: \$393,209
- 1998: \$204,570
- 1999: \$441,213
- 2000: \$425,068
- 2001: \$764,572
- 2002: \$1,269,770
- 2003: \$1,096,580

The following funds were expended on printed literature for educational purposes, including fact sheets, brochures, and materials for teachers and children regarding circuses, canned hunts, and other issues related to captive animals:

- 1997: \$54,160
- 1998: \$170,932
- 1999: \$65,525
- 2000: \$125,711
- 2001: \$132,112
- 2002: \$128,712
- 2003: \$173,828

The following funds were expended on paid print and broadcast advertising to educate consumers on the issue of animals raised in captivity for fur production:

- 2001: \$150,410
- 2002: \$631,061
- 2003: \$606,525

The following funds were expended on media distribution services to educate the public on issues such as circuses, private ownership of exotic wildlife, captive animals raised for fur, and canned hunts:

U.S. Newswire:

- 2003: \$12,425
- 2004: \$1,975

P.R. Newswire:

- 2000: \$17,680
- 2001: \$23,690
- 2002: \$28,270
- 2003: \$26,805
- 2004: \$17,820

The following funds were expended to produce Public Service Announcements distributed to television stations nationwide on the issues of "canned hunts" of captive wildlife and the private ownership of exotic wildlife:

- 2001: Canned Hunts, \$40,000
- 2003: Exotic Animals, \$44,200

The following funds were expended on web site and online communications to educate people about animal cruelty issues such as circuses, canned hunts, exotic pets, and animals raised for their fur:

- 2001: \$22,660
- 2002: \$72,622.48
- 2003: \$106,433.58
- 2004: \$52,933.34

The Fund made a donation to the Captive Wild Animal Protection Coalition of \$2,000 in 2003.

Extensive staff time and other resources have also been expended annually on various items relating to advocating for animals in captivity, including:

- 2002-2003 - running the National Humane Essay Contest on the topic of circuses with animal acts.
- 2003-2004 - running the National Humane Essay Contest on the topic of exotic animals as "pets."
- Writing reports, fact sheets, and press releases every year.
- Setting up canned hunt filing system.
- Setting up and updating canned hunt database.
- Sending letters to state wildlife agencies requesting canned hunting info.
- Writing letters opposing rodeos.
- Researching canned hunt laws and regulations.
- Writing letters to zoos about surplus animal policy.
- Attending Chronic Wasting Disease conference in Colorado where game farms were discussed.
- Testifying on Pennsylvania canned hunt regulations.
- Lobbying on Pennsylvania canned hunt bill.
- Attending Federal canned hunt bill committee mark-up.
- Protesting circus at Montgomery County Fair, Maryland, in 2002 and 2003.
- Employing a full-time lobbyist in California working on exotic animal bills and attending meetings of the California Fish and Game Commission and the Advisory Committee on Humane Care and Treatment of Wild Animals. Lobbyist has worked on the following state bills: (1997) SB 196, AB 716; (1998) AB 1635, AB 409, AB 716; (2000) SB 1462, SB 2149; (2001) F&G regs on deer farms;

(2002) AB 2574, AB 2847, SB 1210, SB 1306, SB 1851, F&G regs on exotics in captivity and deer farms; (2003) SB 732, AB 885, AB 395.

- Employing a full-time lobbyist in New York working on exotic animal bills, including bills to ban the trophy shooting of captive exotic mammals and to ban the private ownership of exotic wildlife. Lobbyist has worked on the following bills: (2003) S2735a and A4609a; (2004) A2684b, S905b, S6446a, A10188a.

The Fund's Director of Government and International Affairs has also expended time engaging in the following activities related to advocacy on behalf of animals in captivity:

2001:

- 1/11: Participated in conference call regarding circus lawsuits.
- 2/6: Attended monthly lobbyist meeting.
- 2/23: Attended Species Survival Network Strategy Meeting.
- 3/5: In Annapolis for meetings with state legislators regarding MD General Assembly bill to prohibit elephants in circuses in MD.
- 3/9: same as 3/5
- 3/12: same as 3/5
- 3/16: Testified on MD General Assembly bill to prohibit elephants in circuses in MD.
- 3/19: Participated in conference call regarding upcoming press conference on circus lawsuit.
- 3/22: Attended press conference on circus lawsuit at Nat'l Press Club.
- 4/26 through 4/28: Meetings with Dr. Willie Smits of Gibbon Foundation, Indonesia, and legislative staff on Capitol Hill. Also with staff of USFWS.
- 4/28 through 5/2: Attended conference in Boston on Great Apes.
- 6/5: Met with AZA staff re roadside zoos.
- 6/14 through 7/6: Uganda/Rwanda/UK trip: Meetings with heads of wildlife agencies, local NGOs, park rangers, ecotourism operations, UK-based animal protection organizations regarding various wildlife issues, including wildlife trade and animals in captivity. Field site visits in Uganda and Rwanda with national park staff and wildlife biologists regarding protected areas management, viability of endangered wildlife populations, and impacts of trade. Strategy sessions with Government Ministers regarding bilateral cooperation between Uganda and Rwanda on CITES positions, migratory routes of certain species, poaching, and illegal trade.
- 8/24: Attended Species Survival Network Strategy Meeting.
- 8/30: Met with Dr. Marc Ancrenaz of Kinabatangan Orangutan Conservation Project.
- 9/25: Several appointments on Capitol Hill with staff re CITES issues, including trade for captivity. Also attended reception at Indonesian Embassy.
- 10/3: Attended House Resources Committee hearing.
- 10/19: Attended Species Survival Network Strategy Meeting, met with Director of Conservation International re coordinated projects in Africa.
- 11/29 through 12/4: Attended Species Survival Network Annual Summit in Costa Rica.
- 12/13: Several meetings on Capitol Hill re canned hunt bill.

12/14: Species Survival Network Strategy Meeting.

2002:

1/30: Meeting with Senator Jeffords.
1/31: meeting with American Zoo and Aquarium Association.
2/14: Meeting with USFWS.
2/15: Species Survival Network Strategy Meeting.
2/20 through 2/24: Meetings in Chicago with U.S. based ecotourism companies, including their charitable foundations.
2/28 through 3/1: Trinational Conference on Wildlife Law Enforcement.
3/1: Meeting with Kevin Adams at USFWS.
4/6 through 4/13: CITES Animals Committee Meeting in Costa Rica.
4/17: USFWS Public Meeting on proposals for CITES CoP 12.
4/18: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).
4/25 Humane Awards dinner and ceremony.
4/26: Species Survival Network Meeting.
4/26 through 5/15: Tanzania and Netherlands trip. Lectured at Mweka College of African Wildlife Management, met with Tanzanian based animal protection NGOs, toured Trophy hunting concession with local Maasai tribal leaders, met with Tanzanian Minister of Tourism and Environment, accompanied Tanzanian National Parks staff on several wildlife recovery missions, attended strategy meetings at Greenpeace Amsterdam.
5/21: Strategy meeting with other lobbyists re CEAPA.
5/22: Meetings on Capitol Hill re CEAPA.
6/14 through 6/18: Black Beauty Ranch, Texas.
6/21: Species Survival Network Meeting.
6/28 through 7/3: Various speeches given at Animal Rights 2002 Conference.
7/11: Strategy Meeting at HSUS re CITES elephant proposals.
7/18: Meetings with Congressional candidates re animal issues at the federal level.
8/20: Briefing at USFWS re proposals and resolutions for CITES CoP 12.
8/23 Species Survival Network Strategy Meeting.
9/5: Meetings on Capitol Hill re CEAPA.
9/17: CITES oversight hearing in House Resources Committee.
9/20 Species Survival Network Meeting.
10/3: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).
10/18: Species Survival Network Meeting.
10/19: Meeting with WV state delegates re animal legislation in Charleston.
10/22: Species Survival Network Press Conference.
10/31 through 11/17: Attended CITES CoP 12 in Santiago Chile as non-governmental observer and lobbied for pro-animal initiatives.
12/3: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).
12/13: Meeting with AZA re roadside zoos and CEAPA.

2003:

- 1/14: Conference call re CEAPA.
- 3/6: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).
- 3/11: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA)
- various times during March 2003: Worked on article for Animal Free Press re elephants, including captive elephants.
- 3/10: Met with WV state legislators re various animal related legislation.
- 3/19-3/20: Smithsonian Conference, "Elephants and Ethics".
- 3/24: Conference call with USFWS.
- 4/3: Meeting with IFAW contract lobbyist.
- 4/7: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).
- 4/15: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).
- 4/20 through 4/27: CITES Standing Committee, Geneva Switzerland.
- 5/5: Conference call with members of Pan African Sanctuary Alliance.
- 5/23: Conference call with members of Pan African Sanctuary Alliance.
- 5/25 through 6/16: Rwanda/Uganda/Kenya trip: Field work in various national parks, meetings with President Kagame's staff re restoration of migratory corridors, wildlife trade issues, and expansion of ecotourism, meetings with Uganda Wildlife Authority director and staff re wildlife export policies and protected areas management, meetings with President Kibaki's staff re Kenya's comprehensive wildlife policy strategy and elephant relocation plans. Spoke at Pan African Sanctuary Alliance annual meeting, Kenya Wildlife Service briefing and East African Wildlife Society dinner.
- 6/27 through 7/2: Gave various speeches at Animal Rights 2003 conference.
- 8/15 through 8/22: CITES Animals Committee Meeting, Geneva Switzerland.
- 9/12 Meeting with Dr. Sammy El Falaly, Director of CITES Management Authority for Egypt, in Cairo re wildlife trade and policies on confiscated animals, also Egyptian animal protection laws and live animal auctions.
- 9/24 Lectured at Shepherd College on wildlife related legislation and international wildlife law.
- 9/26: conference call on USFWS draft regs and proposed rule on ESA changes.
- 10/2: conference call on USFWS draft regs and proposed rule on ESA changes.
- 10/16 through 10/19 White Oak Plantation Wildlife facility, Jacksonville FL.
- 10/22: conference call on USFWS draft regs and proposed rule on ESA changes.
- 10/24 Speech at Women in Government Relations conference in D.C.
- 11/2: Speech at Animal Welfare Society Annual Dinner, Shepherdstown WV.
- 11/6: Meeting with Uganda President Yoweri Museveni in Washington DC.
- 11/9: Speech at Student Lobby Day training session, American University, Washington DC.
- 11/21: conference calls on USFWS draft regs and proposed rule on ESA changes.
- 12/3: speech at WV Democratic Association Annual Dinner.
- 12/18: Meeting with HSUS Investigations staff.

2004:

Various dates through January and February: conference calls on USFWS draft regs and proposed rule on ESA changes.

3/14 through 3/19: CITES Standing Committee Meeting, Geneva Switzerland.

3/23: Meeting w/ WV State Delegate John Doyle and State Senators John Unger and Herb Snyder re animal related legislation.

4/16 through 4/23: Animal Transport Association Conference in Vienna Austria.

1997:

Numerous meetings, conference calls and Hill visits re CITES proposals dealing with transport of circus animals, captive breeding, etc.

June 1997: CITES Conference of the Parties 10 in Harare, Zimbabwe.

1998:

Countless meetings, Hill visits, and embassy visits re capture of wild elephant calves in Botswana and subsequent abuse of calves, and selling to various zoos. Ensuing Legal case in South Africa – worked extensively with South African NGOs lining up expert testimony, research and background information. Briefed CITES parties on developments in the case against the wildlife dealer, Riccardo Ghiazza

September: Speeches at Performing Animal Welfare Society Annual Meeting In Sacramento, CA.

In addition to the above-listed human resource and monetary resource expenditures, the documents produced by The Fund in response to defendants' document requests also demonstrate numerous resources The Fund has expended in advocating for the better treatment of animals in captivity, and The Fund refers defendants to those documents.

Interrogatory No. 22:

Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Objection and Response to Interrogatory No. 22:

The Fund objects to this Interrogatory on the grounds that it is overly broad, and unduly burdensome. Subject to and without waiving these or the general objections, The

Fund states that its Director of Government and International Affairs spent approximately 10% of her time in 2000 gathering information on Ringling Bros. (approximately \$3,000), culminating in a decision to be a co-plaintiff in this law suit. The Fund also spent approximately \$4,000 between 2001 and 2003 pursuing a Freedom of Information Act case against the United States Department of Agriculture for documents related to defendants' treatment of their elephants. The Fund also spent approximately \$14,000 between 2002 and 2004 for reviewing the documents received in response to the Freedom of Information Act law suit, and compiling and disseminating a report based on those documents concerning the United States Department of Agriculture's failure to enforce the Animal Welfare Act against defendants. In addition, The Fund annually expends miscellaneous staff resources searching the news, the internet, and other sources for information related to defendants' treatment of their elephants.

Interrogatory No. 23:

Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Objection and Response to Interrogatory No. 23:


The Fund objects to this Interrogatory on the ground that the plaintiffs have already provided this basic information with their initial disclosures, and to provide further details at this point would reveal the work product of their attorneys. Subject to and without waiving the foregoing or general objections to these Interrogatories, the Fund states that the subject and substance of the testimony that Tom Rider will provide is described in Mr. Rider's answers to the Interrogatories directed to him.

VERIFICATION

CITY OF SILVER SPRING)
)
)
STATE OF MARYLAND)

MICHAEL MARKARIAN, being duly sworn, says:

I am employed as the President of The Fund for Animals. The Fund for Animals is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff The Fund for Animals and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.



Michael Markarian

Sworn to before me this
4 day of June, 2004

Notary Public

My Commission Expires:

OPHER S. BENDAVID
NOTARY PUBLIC, STATE OF MARYLAND
My Commission Expires January 24, 2005


6/4/04

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<hr/>)	
AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	Civ. No. 03-2006 (EGS)
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROS. AND BARNUM)	
& BAILEY CIRCUS, <u>et al.</u> ,)	
)	
Defendants.)	
<hr/>)	

**PLAINTIFF THE FUND FOR ANIMALS' SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff The Fund for Animals ("The Fund") hereby provides the following supplemental responses to Defendants' First Set of Interrogatories.

DEFINITION

1. As used herein, "irrelevant" means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

OBJECTIONS

1. The Fund hereby incorporates by reference both the general and specific objections that it made to Defendants' First Set of Interrogatories, as well as the Fund's objections to defendants' definitions of "describe" and "identify."

"animal advocacy organizations" other than plaintiffs, any such communications by the Fund are reflected in supplemental documents that it has provided to defendants.

Interrogatory No. 20: Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Objection and Response to Interrogatory No. 20:

The Fund has nothing to add to its original answer to this Interrogatory

Interrogatory No. 21: Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Objection and Response to Interrogatory No. 21:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that since its most recent response to this Interrogatory, the Fund has expended approximately \$88,378.68 advocating better treatment for animals held in captivity, including animals used for entertainment purposes, through its website and other online communications, which are included in supplemental documents that The Fund is providing to defendants. This amount was expended on consulting and hosting fees incurred in creating and maintaining the Fund's website.

Interrogatory No. 22: Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Supplemental Response to Interrogatory No. 22:

Subject to and without waiving its previous objections to this Interrogatory, the Fund states that since its original response to this Interrogatory The Fund has spent approximately

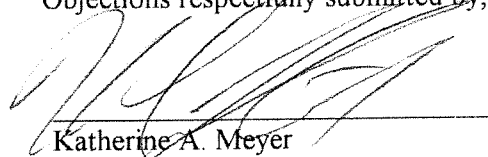
\$12,000 pursuing information from the United States Department of Agriculture concerning defendants' actions and treatment of elephants.

Interrogatory No. 23: Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Supplemental Response to Interrogatory No. 23:

Subject to and without waiving its previous objections, The Fund additionally states that the subject and substance of the testimony that Tom Rider will provide is further described in Mr. Rider's deposition testimony that was given on October 12, 2006, which The Fund hereby incorporates by reference. In addition, the substance and subject of the testimony of Miyun Park was provided by deposition on January 5, 2005; the substance and subject of the testimony of Betsy Swart was provided by deposition on March 18, 2005; and the substance and subject of the testimony of Angela D. Martin was provided by deposition on March 9, 2005, all of which The Fund hereby incorporates by reference.

Objections respectfully submitted by,



Katherine A. Meyer
(D.C. Bar No. 244301)
Tanya M. Sanerib
(D.C. Bar No. 473506)
Howard M. Crystal
(D.C. Bar No. 446189)

Meyer Glitzenstein & Crystal
1601 Connecticut Ave., N.W., Suite 700
Washington, D.C. 20009
(202) 588-5206


Dated: January 31, 2007

VERIFICATION

I, MICHAEL MARKARIAN, declare as follows:

I am employed as the President of The Fund for Animals. The Fund for Animals is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' Interrogatories to Plaintiff The Fund for Animals and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

 1/31/07

Michael Markarian