

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. :

RESPONSE IN OPPOSITION TO RIDER'S MOTION FOR A PROTECTIVE ORDER
WITH RESPECT TO CERTAIN FINANCIAL INFORMATION

EXHIBIT 12

AFFIDAVIT

I, Arshak Faye Hundley being duly sworn on oath make the following statement:

that I give the following statements freely to Francis W. Keyser who has identified himself to me as being an investigator with USDA, APHIS, Investigative and Enforcement Services.

1. I am currently 30-years-old and the mother of five children who range in age from 5 to 14. I worked for Ringling's red unit from approximately April 20, 2006, through June 27, 2006. I was part of the animal crew and primarily provided care to the horses and miniature horses. My duties included feeding, watering, cleaning, grooming, setting up the compounds, and escorting animals on the "animal walk". Prior to joining Ringling, I worked for U.S. Security Associates for nearly four years as a sub-contractor. In that position, I was cleared by the federal government to provide security at a dam excavation project and also did part-time security at chemical companies and the post office.
2. I currently reside at 665 Haws Dr, Maulden, WV 25106, and my cell phone number is [REDACTED]. An alternative number for me is [REDACTED].
3. My Social Security Number is [REDACTED].
4. I have never been employed with The People for the Ethical Treatment of Animals (PETA) nor have I ever received any compensation from that organization for any reason.
5. I was not asked by PETA to find work with Ringling Bros. prior to beginning employment with them in April of 2006.

Arshak Faye Hundley
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Holiday Inn Express - Civic Center, 100 Civic Center Drive, Charleston, WV 25301 on this 13th day of December, 2006

APHIS FORM 7162 Replaces AF Form 7-82 (Rev. 12-1-82)
(NOV 02)

Francis W. Keyser
DESIGNATED PURSUANT TO 7 U.S.C. 1217 TO
ADMINISTER CIVIL, AFFIDAVITS, AND AFFIRMATIONS
AUTHORITY NO. 2663

AFFIDAVIT

1. Arthure Fave Hundley being duly sworn on oath make the following statement:

6 I do not know Rob Hutton, the PETA Staffer who I have been advised was filming the "animal walk" on 6/11/07.

7. My experience with equine prior to employment with Ringling Bros. comes from being raised in a family that owned and bred horses regularly. I have been around horses all of my life and am comfortable with caring for and handling them.

8. During my employment at Ringling, I was never disciplined by Ringling and my only infraction was once being warned for oversleeping. I was complimented by co-workers and management for doing my job well. I reported to Sacha Houcke and Alex Vargas.

9. I quit the circus because the animal abuse I observed on a regular basis was too upsetting. The abuse was not once in awhile, it occurred every day. Witnessing this abuse was a traumatic experience for me and left me a nervous wreck. I routinely complained to my supervisors about what I considered to be mistreatment of animals but was constantly told that I was over reacting.

10. I was present during the "animal walk" that took place on June 11, 2006 in Oklahoma City. As the animals were being walked from the arena to the train, I was holding a horse named Champ. I observed Sacha Houcke intentionally bring two elephants, one named Luna and another named Tonka, just inches from a person whom I found out later to be PETA staffer, during the walk while the person was standing on public property. I was towards the end of the line.

Arthure Fave Hundley
SIGNATURE OF AFFIRANT

Subscribed and sworn to before me at Holiday Inn Express - Civic Center, 100 Civic Center Drive, Charleston, WV 25301 on this 13th day of December, 2006

AMERICAN NOTARY PUBLIC ASSOCIATION
NOTARY NO. 7162

[Signature]
DEPARTMENT OF JUSTICE
ADMINISTRATIVE OATHS, AFFIDAVITS, AND AFFIRMATIONS
AUTHORITY NO. 2663

AFFIDAVIT

I, Archyle Faye Hundley, being duly sworn on oath make the following statement:

approximately 30 feet away from Sacha and had a clear view of him and the incident. It was unusual to see Sacha break away from the line, and his movement off to the side and up to a bystander got my attention. Sacha appeared to be arguing with the person, was inches from his face, and raised his bull hook in a threatening manner at the guy. It appeared to me that the bullhook made contact with the guy. It was obvious to me that he was attempting to assault the staffer as opposed to just intimidating him. Tonka and Luna were the most aggressive elephants out of all the elephants in the Red Unit, so I can only surmise that Sacha understood the consequences should one of these two elephants become irritated during the moment he approached the PETA staffer.

- 11. Investigator Koyser has allowed me to view a video clip where Sacha and the elephants are filmed while on the "animal walk" in Oklahoma City on 6/11/06. This video does show the incident I am interested in, and I was a witness to this activity in the clip but from a different angle. I do not appear anywhere in the video clip however there is a brief point in the clip where a white truck appears in the background. This is approximately where I was standing at the time I observed Sacha leaving the line of animals and approach the PETA Staffer.
- 12. During the "animal walk" I did not witness any abuse or striking of the elephants? I was not in a position where I could actually observe the elephants during the course of the walk. It was only

Archyle Faye Hundley
SIGNATURE OF AFFIRANT

Subscribed and sworn to before me at Holiday Inn Express - Civic Center, 100 Civic Center Drive, Charleston, WV 25301 on this 11th day of December, 2006

NOTICE: FEDERAL RULES OF CIVIL PROCEDURE, RULE 101
12-2006-021

Frank
DEPUTY NOTARY PUBLIC PURSUANT TO 18 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 2463

AFFIDAVIT

I, Archele Faye Hundley, being duly sworn on oath make the following statement:

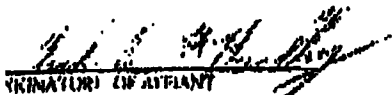
when Sasha left the line and walked over to the edge of the road when I had a good view him and the elephants.

13. Sasha is known by everyone in the animal crew to have a violent temper. Most of us were terrified by him. I have observed Sasha beating animals and threatening employees with physical violence.

14. About 60 to 90 minutes after the assault incident in Oklahoma City, I was on the circus bus (the circus bus transports employees from the animal stock cars to the resident cars on the train, which can be several miles away), with other members of the animal crew. My co-workers talked about how Sasha had taken the elephants dangerously close to the PETA person; some employees laughed, others were outraged that Sasha would be so reckless.


15. While on the bus shortly after the incident, I overheard Sasha laugh about it, saying "If I would have socked the guy like I wanted to, I would have knocked him on his ass and he would not have been able to get back up."

16. Investigator Keyscr has shown me a copy of my notarized Declaration made on September 29, 2006. I have reviewed this document, initialed the bottom of each page I have reviewed, and can attest that it is an exact copy of the Declaration I made under oath on that date. I should point out


SIGNATURE OF AFFIRANT

Subscribed and sworn to before me at Holiday Inn Express - Civic Center, 100 Civic Center Drive, Charleston, WV 25301 on this 13th day of December, 2006

WPIB FORM 7102 (Revised 07/00) (14) (with 4/06/06)
(10/19/02)


DESIGNATED PURSUANT TO 20 U.S.C. 3217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS,
AUTHORITY NO 3463

AFFIDAVIT

I, Archele Faye Hundley being duly sworn on oath make the following statement:

that I no longer live in Slasonville, WV. In addition, there are corrections that I need to point out in the Declaration. They are as follows:

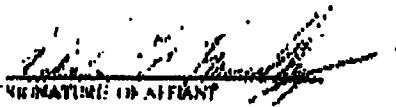
Paragraph 6. Sacha did not insert the hook into the ear canal of "Baby". He actually swung the bull hook into the ear canal with full force.

Paragraph 7. I was actually holding the miniature black and white horse named, "Champ" and not "Jonah".

Paragraph 12. I indicated that David's last name is Hollister. This may not be accurate. I believe it may be Hatcher but I am not sure. Most persons were known only on a first name basis.

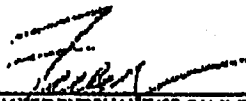
In paragraphs 17, 18, 32, 34, 35, 36 and 37 the conversations were video taped by me after I was no longer employed with Ringling. The PETA is in possession of the tapes as far as I know. I have never reviewed these entire tapes. I had attempted to gain re-employment with Ringling for the purpose of obtaining footage of animal abuse and mistreatment. I had agreed with PETA to wear a concealed video when I was attempting to gain re-employment with Ringling. At the point of taping the conversation with Garrison I was on the compound in Lexington, KY. I had already been denied reemployment but had been allowed to walk around the compound.

I swear the above statements are true and correct to the best of my knowledge.


SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Holiday Inn Express - Civic Center, 100 Civic Center Drive, Charleston, WV 25301 on this 12th day of December, 2006

WVHJ FURAI 2143 Replaces VT form 8-14-1994, which is obsolete
IN W.VA.


DESIGNATED PURSUANT TO 7 U.S.C. 3217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS
AUTHORITY NO. 2645