

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.

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Case No. 03-2006 (EGS/JMF)

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

EXHIBIT 3

IN THE 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.

Case No. 03-2006 (EGS)
JUDGE: Emmet G. Sullivan

**DEFENDANTS' FIRST SET OF DOCUMENT REQUESTS
TO PLAINTIFF TOM RIDER**

Pursuant to Federal Rule of Civil Procedure 34 and the Stipulated Pre-Trial Schedule dated December 5, 2003, defendants Feld Entertainment, Inc. and Ringling Bros. and Barnum & Bailey Circus request that plaintiff Tom Rider produce, give access to, and permit the undersigned counsel for defendants to inspect and copy any and all of the materials hereinafter requested before or within thirty (30) days after the date of service of these requests, at a place to be mutually agreed upon by counsel. The following definitions and instructions should be considered in responding to these Requests.

reflect, or relate to allegations in the complaint of defendants “forcibly remov[ing] baby elephants from their mothers with the use of ropes and chains,” defendants’ intent to “establish dominance and control over the baby elephants” through the separation process, or any alleged injuries suffered by Doc, Angelica, or any other elephant during the process of being separated from its mother.

17. All documents that refer, reflect, or relate to the death of Kenny, including without limitation any documents that refer, reflect, or relate to allegations in the complaint of “Ringling Bros. ma[king] Kenny perform on the day that he died, even though it knew that he was ill” and any documents that refer, reflect, or relate to Kenny allegedly being “routinely beaten and hit by Ringling Bros.”

18. All documents that refer, reflect, or relate to any communications between you and any federal, state, or local government agency or official regarding any circus including, but not limited to, Ringling Bros. and Barnum & Bailey Circus.

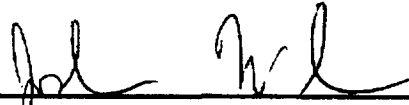
19. All documents that refer, reflect, or relate to any communications you have had with defendants or any current or former employee of defendants since your employment by defendants ended.

20. Bank statements or other documents demonstrating your sources of income since you stopped working in the “circus community.”

21. All documents that refer, reflect, or relate to any payments or gifts in money or goods made by any animal advocates or animal advocacy organizations to you, including but not limited to any payment of your transportation expenses, hotel bills, or food, or other costs of living by any animal advocates or animal advocacy organizations.

35. All documents considered or relied upon in answering any of defendants' interrogatories or requests for admission.

COVINGTON & BURLING



Harris Weinstein (DC Bar No. 032268)
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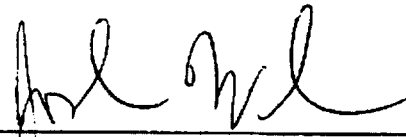
ATTORNEYS FOR DEFENDANTS

March 30, 2004

CERTIFICATE OF SERVICE

I, Joshua D. Wolson, certify that I caused a true and correct copy of the foregoing to be served on this 30th day of March, 2004, Federal Express, upon the following:

Katherine A. Meyer
Eric R. Glitzenstein
Jonathan Lovvorn
Kimberly Ockene
Meyer & Glitzenstein
1601 Connecticut Avenue N.W.
Suite 1700
Washington, D.C. 20009



Joshua Wolson

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION)	
OF CRUELTY TO ANIMALS, <i>et al.</i> ,)	
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Plaintiffs,)	
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v.)	
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RINGLING BROTHERS AND BARNUM & BAILEY)	
CIRCUS, <i>et al.</i> ,)	
)	
Defendants.)	

Civ. No. 03-02006
(EGS)

**OBJECTIONS AND RESPONSES TO DEFENDANTS’
FIRST SET OF DOCUMENT PRODUCTION REQUESTS
TO PLAINTIFF TOM RIDER**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff Tom Rider offers the following objections and responses to Defendants’ First Set of Document Requests to him.

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. Mr. Rider’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. Mr. Rider’s objections and responses given herein shall not be construed to waive or preclude any objections he may later assert.

2. Mr. Rider objects to each Definition and Instruction and each Document Request to the extent that it is vague, ambiguous, overly broad, unduly burdensome, or seek irrelevant information.

3. Mr. Rider objects to each Definition and Instruction and each Document Request to the extent that it seeks to impose obligations on plaintiffs beyond the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

4. Mr. Rider objects to each Definition and Instruction and each Document Request to the extent that it seeks information protected against disclosure by the attorney-client privilege, the work-product doctrine, or any other privilege, immunity, doctrine, or rule of confidentiality. Mr. Rider further objects to each Definition and Instruction, and each Document Request, to the extent it seeks disclosure of information that would violate any of the privacy or other rights of individuals or himself.

5. In responding to these Document Requests, Mr. Rider does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, Mr. Rider does not concede by responding that the information sought or produced is relevant to the subject matter of this action or is calculated to lead to the discovery of admissible evidence. Mr. Rider expressly reserves the right to object to further discovery into the subject matter of these Document Requests and the right to object to the introduction into evidence of any of the information provided in response to the Document Requests.

6. Although Mr Rider has exercised due diligence in responding to the Document Requests, he reserves the right to amend or supplement his responses and objections to the Document Requests if additional responsive documents are discovered or located hereafter.

SPECIFIC OBJECTION TO INSTRUCTIONS

Mr. Rider objects to Instruction No. 10 to the extent it requires him to indicate a partial withholding on the partially withheld document itself. Instead, plaintiffs are providing the Bates numbers of partially redacted documents in plaintiffs Privilege Log, so that defendants can readily identify the documents.¹

RESPONSES AND SPECIFIC OBJECTIONS

Mr. Rider incorporates herein by reference his Definitions and General Objections with respect to each Document Request to which those objections apply, as though fully set forth therein, and no specific objection or response is intended or shall be construed to waive any of those objections. Subject to and without waiving those objections, Mr. Rider responds to defendants' Document Requests as set forth below.

DOCUMENT REQUESTS

Document Request No. 1:

All documents that refer, reflect, or relate to defendants' treatment of elephants, including but not limited to documents that you received while working for defendants that refer, reflect, or relate to animal care.

Objection and Response:

Mr. Rider objects to this Request on the grounds that the term "treatment" is vague and ambiguous, the Request is overly broad and unduly burdensome. Subject to and without waiving these or plaintiffs' general objections, Mr. Rider is producing documents marked TR - 00058 -

¹Documents and portions of documents for which Mr. Rider claims a privilege are listed on the privilege logs for all of the plaintiffs.

Objection and Response:

Mr. Rider objects to this Request on the grounds that it is overly broad and unduly burdensome, and calls for the production of irrelevant documents. Subject to and without waiving these or Mr. Rider's general objections, Mr. Rider is producing documents marked TR - 00058 - 00065; TR - 00156-00162. Additional responsive documents are being produced collectively by plaintiffs. See Addendum to Plaintiffs' Responses to Defendants' Request for the Production of Documents. Those documents are hereby incorporated by reference.

Document Request No. 19:

All documents that refer, reflect, or relate to any communications you have had with defendants or any current or former employee of defendants since your employment by defendants ended.

Objection and Response:

Mr. Rider objects to this Request on the grounds that it is overly broad and unduly burdensome, and calls for the production of irrelevant documents. Subject to and without waiving these or Mr. Rider's general objections, Mr. Rider states that he has no documents that are responsive to this request.

Document Request No. 20:

Bank statements or other documents demonstrating your sources of income since you stopped working in the "circus community."

Objection and Response:

Mr. Rider objects to this Document Production Request on the ground that it seeks information that is irrelevant, oppressive, and on the grounds that the Request is vexatious. Mr. Rider further objects to this Request on the ground that it seeks privileged information that is protected by his right to privacy. Subject to and without waiving the foregoing or general

objections to these Requests, and subject to a confidentiality agreement, Mr. Rider would be willing to provide defendants with information that would identify his sources of income since he stopped working in the "circus community."

Document Request No. 21:

All documents that refer, reflect, or relate to any payments of gifts in money or goods made by any animal advocates or animal advocacy organizations to you including but not limited to any payment of your transportation expenses, hotel bills, or food, or other costs of living by any animal advocates or animal advocacy organizations.

Objection and Response:

Mr. Rider objects to this Document Production Request on the grounds that it seeks information that is irrelevant, oppressive, and on the grounds that the Request is vexatious. Mr. Rider further objects to this Request on the ground that it seeks privileged information that is protected by his right to privacy, and would infringe on his freedom of association. Subject to and without waiving the foregoing or general objections to these Requests, and subject to a confidentiality agreement, Mr. Rider would be willing to provide defendants with information that is responsive to this Request.

Document Request No. 22:

All documents that refer, reflect, or relate to any communication between you and any animal advocates or any person affiliated with such a group, including but not limited to communications while you were working for the Chipperfields or after you left the employ of the Chipperfields but before you returned to the United States.

Objection and Response:

Mr. Rider objects to this Request on the grounds that it is overly broad, unduly burdensome, and oppressive, and seeks irrelevant information. Mr. Rider further objects to this Request on the grounds that it seeks privileged information that is protected by the attorney-client

privilege, with respect to documents that reflect communications he has had with the co-plaintiffs, that one or more of his attorneys participated in, and with respect to communications he has had with Lisa Weisberg who is an attorney with the ASPCA, one of the organizational plaintiffs in this action. Mr. Rider further objects to this Request on the ground that it seeks privileged information that is protected by his right of association, because it would require him to reveal the animal advocates or animal advocacy groups with which he has communicated. Subject to and without waiving the foregoing or general objections to these Requests, in response to this request, Mr. Rider is producing a document marked TR - 00001. Additional responsive documents are being produced collectively by plaintiffs, see Addendum to Plaintiffs' Responses to Defendants' Request for the Production of Documents, and are hereby incorporated by reference.

Document Request No. 23:

All publications, newsletters, pamphlets, letters, and other communications that you have received from any animal advocates regarding the presentation of elephants in circuses, treatment of elephants by circuses, training of elephants, conditions of elephants in the wild and/or in captivity, and the general health and/or well-being of elephants in the care of defendants or any other circus.

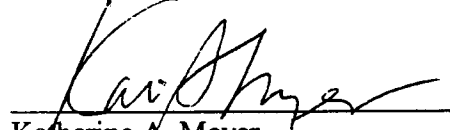
Objection and Response:

Mr. Rider objects to this Request on the grounds that it is overly broad, unduly burdensome, and oppressive, and seeks irrelevant information. Mr. Rider further objects to this Request on the grounds that it seeks privileged information that is protected by the attorney-client privilege, with respect to documents that reflect communications he has had with the co-plaintiffs, that one or more of his attorneys participated in, and with respect to communications he has had with Lisa Weisberg who is an attorney with the ASPCA, one of the organizational

Objection and Response:

Mr. Rider objects to this Request on the ground that it calls for the production of documents that are covered by the attorney-client communication and the his attorneys' work product privilege. Subject to and without waiving this or Mr. Riders' general objections, Mr. Rider states that he relied on the documents referenced above.

Submitted by:



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

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Date: June 9, 2004