

**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)

EXHIBIT 2

TO

**MOTION TO COMPEL DISCOVERY FROM
THE ORGANIZATIONAL PLAINTIFFS AND API**

I. DEFINITIONS AND INSTRUCTIONS

Defendants incorporate by reference, as if fully set forth herein, the Definitions and Instructions set forth in defendants' First Set of Document Requests to Plaintiffs ASPCA, AWI, and FFA. In addition, the following definitions and instructions should be considered in responding to these interrogatories.

DEFINITIONS

1. "Describe" means (1) when used in reference to any communication, complaint, or report, to state the date and location of the communication, complaint, or report, to identify each person who spoke, complained, reported, or otherwise communicated, to identify each person who heard the communication or to whom the communication was addressed or directed, to state the substance of the communication, complaint, or report, and to state any response received; and (2) when used in reference to any event or incident other than a communication, complaint, or report, to state the date and location of the event or incident, to identify all people present at or involved in the event or incident, to state what occurred, and to state the source of your knowledge.

2. "Identify" means (1) when used in reference to a natural person, to state his or her name, any former or stage names, job title, and present or last known residence and business address and telephone numbers; (2) when used in reference to a person other than a natural person, to state the entity's name, address, and principal business telephone number; (3) when used in reference to a document, to state its date, title, general subject matter, each author, all individuals designated on the document to receive a copy, and, if such document was but is no longer in your possession, custody, or control, or if any such document was in existence but is no longer in existence, what disposition was made of it,

when such disposition took place, and the identity of the person(s) who ordered or authorized such disposition.

INSTRUCTIONS

You shall adhere to the following instructions in responding to these interrogatories:

1. Each plaintiff to whom these interrogatories are directed shall answer each interrogatory.
2. These interrogatories shall be deemed continuing so as to require supplemental answers if you obtain further information after the answers are served.
3. If you are unable to answer any of these interrogatories fully and completely after exercising due diligence to obtain the information necessary to make a full and complete answer, so state and answer each interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder.
4. Each interrogatory shall operate and be construed independently. Unless otherwise indicated, no paragraph limits the scope of any other paragraph.

II. INTERROGATORIES

1. Identify each and every person who you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.
2. Identify each person within your organization who has any responsibility for, or authority over, your policy regarding the presentation of elephants in circuses.
3. Identify each person within your organization who had any decision-making responsibility regarding whether to file this lawsuit.

4. Identify each of your employees or volunteers who has any training or experience in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience.

5. Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

6. Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

7. State the date on which you first became aware of defendants' alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

8. State the date on which you first became aware of defendants' alleged mistreatment of Kenny, and describe each incident in which you contend that Kenny was mistreated.

9. State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

10. Describe each complaint or report that you, any of your employees or volunteers, or anyone speaking on your behalf has made to defendants directly about the way that defendants' elephants are or were treated.

11. State each and every U.S. jurisdiction in which you have or have had official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present. Describe the nature of the official duties, any complaints or reports you received about your enforcement of those statutes or ordinances, and the outcome or result of those complaints or reports.

12. Describe each inspection that you have conducted of Defendants in the course of any official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present, including the names of the inspectors who conducted each inspection.

13. Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

14. Define "stereotypic behavior" as you use that term in the complaint and state the source of or basis for your definition.

15. Describe each incident in which you contend that one of defendants' elephants has exhibited "stereotypic behavior," including the name of the elephant allegedly involved.

16. Describe every communication that you, any of your employees or volunteers, or any person acting on your behalf or at your behest has had with any current or former employee of defendants since 1996.

17. Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you

communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

18. Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

19. Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

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.

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.

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.

23. Describe the subject and substance of the testimony that each person identified in the initial disclosures would give if called as a witness in this action.

COVINGTON & BURLING



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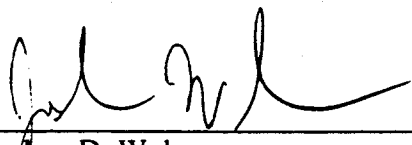
ATTORNEYS FOR DEFENDANTS

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, via Federal Express, upon the following:

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Joshua D. Wolson