

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                                |   |
|--------------------------------|---|
| AMERICAN SOCIETY FOR THE       | : |
| PREVENTION OF CRUELTY TO       | : |
| ANIMALS, <u>et al.</u> ,       | : |
|                                | : |
| Plaintiffs,                    | : |
|                                | : |
| v.                             | : |
|                                | : |
| RINGLING BROS. AND BARNUM &    | : |
| BAILEY CIRCUS, <u>et al.</u> , | : |
|                                | : |
| Defendants.                    | : |
| <hr/>                          | : |

Case No. 03-2006 (EGS/JMF)

**EXHIBIT 3**

**TO**

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

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.                      |  | ) |                        |
| _____                            |  | ) |                        |

**PLAINTIFFS AMERICAN SOCIETY FOR PREVENTION OF CRUELTY  
TO ANIMALS, THE FUND FOR ANIMALS, AND ANIMAL WELFARE INSTITUTE’S  
RESPONSES AND OBJECTIONS TO DEFENDANTS’ FIRST SET  
OF DOCUMENT PRODUCTION REQUESTS**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiffs American Society for the Prevention of Cruelty to Animals (“ASPCA”), The Fund for Animals (“The Fund”), and the Animal Welfare Institute (“AWI”) (collectively, “plaintiffs”) hereby offer the following objections and responses to Defendants’ First Set of Document Requests to ASPCA, The Fund, and AWI. The plaintiffs also incorporate by reference the information listed in the attached Addendum.

**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. Plaintiffs' 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. Plaintiffs' objections and responses given herein shall not be construed to waive or preclude any objections it may later assert.

2. Plaintiffs object to each Definition and Instruction and each Document Request to the extent that they are vague, ambiguous, overly broad, unduly burdensome, or seek irrelevant information.

3. Plaintiffs object 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. Plaintiffs object 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. Plaintiffs further object 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.

5. In responding to these Document Requests, plaintiffs do not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, plaintiffs do 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. Plaintiffs expressly reserve 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 plaintiffs have exercised due diligence in responding to the Document Requests, plaintiffs reserve the right to amend or supplement their responses and objections to the Document Requests if additional responsive documents are discovered or located hereafter.

#### **SPECIFIC OBJECTIONS TO INSTRUCTIONS**

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

#### **RESPONSES AND SPECIFIC OBJECTIONS**

Plaintiffs incorporate herein by reference their 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, plaintiffs respond to defendants' Document Requests as set forth below. A specific list of documents (identified by their Bates label or label ranges), and the specific Document Requests to which they respond, is set forth in the attached Addendum.

#### **Request No. 1:**

Documents sufficient to show your organizational or corporate structure, including but not limited to all departments, divisions, committees, boards, subsidiaries, affiliates, or other sub-units.

**Response to Request No. 1:**

Plaintiffs are producing documents responsive to this Request. See Addendum.

**Request No. 2:**

All documents that refer, reflect, or relate to defendants' treatment of elephants.

**Objections and Response to Request No. 2:**

Plaintiffs object 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, plaintiffs are producing documents responsive to this Request. See Addendum.

**Request No. 3:**

All documents that refer, reflect, or relate to any meeting of your Board of Directors or any other committee, subcommittee, working group, or other sub-unit thereof during which there was any discussion of (a) defendants' treatment of elephants, (b) treatment of elephants in captivity by others, or (c) the complaint.

**Objections and Response to Request No. 3:**

Plaintiffs object to this Request on the grounds that the term "treatment" is vague and ambiguous, and the Request is overly broad, and unduly burdensome. The ASPCA further objects to this Request on the grounds that it would require the disclosure of attorney-client communications between Lisa Weisberg, attorney for ASPCA and the President of the ASPCA, as well as information that is covered by the work product of plaintiffs' attorneys. Subject to and without waiving these or plaintiffs' general objections, plaintiff ASPCA is producing documents responsive to this Request, see Addendum; plaintiffs The Fund and AWI did not locate any documents responsive to this Request.

**Request No. 4:**

All documents, regardless of time, that refer, reflect, or relate to any policy or position that you take or have taken regarding the presentation of elephants in circuses.

**Objections and Response to Request No. 4:**

Plaintiffs object to this Request on the grounds that the terms “policy,” “position,” and “take” are vague and ambiguous, and on the grounds that the Request is overly broad and unduly burdensome, and calls for the production of irrelevant documents. Subject to and without waiving these or plaintiffs’ general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 5:**

All documents, regardless of time, that refer, reflect, or relate to any policy or position that you take or have taken regarding elephants residing in zoos.

**Objections and Response to Request No. 5:**

Plaintiffs object to this Request on the grounds that the terms “policy,” “position,” and “take” are vague and ambiguous, and on the grounds that the Request is overly broad and unduly burdensome, and calls for the production of irrelevant documents. Subject to and without waiving these or plaintiffs’ general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 6:**

All documents, regardless of time, that refer, reflect, or relate to any policy or position that you take or have taken regarding the treatment or presence of elephants in captivity.

**Objections and Response to Request No. 6:**

Plaintiffs object to this Request on the grounds that the terms “policy,” “position,” and

“take” are vague and ambiguous, and on the grounds that the Request is overly broad and unduly burdensome, and calls for the production of irrelevant documents. Subject to and without waiving these or plaintiffs’ general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 7:**

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

**Objections and Response to Request No. 7:**

Plaintiffs object 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 plaintiffs’ general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 8:**

All documents you have provided to any federal, state, or local government agency or official that refer, reflect, or relate to (a) the treatment of animals by circuses or (b) the treatment of elephants in captivity.

**Objections and Response to Request No. 8:**

Plaintiffs object 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 plaintiffs’ general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 9:**

All documents that refer, reflect, or relate to any inspections or investigations of defendants or

any other circus, including but not limited to inspections or investigations conducted by federal, state, or local government agency or official, you or any organization affiliated with you, another animal advocacy group, a media outlet, or any other organization or individual.

**Objections and Response to Request No. 9:**

Plaintiffs object 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 plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 10:**

All documents that refer, reflect, or relate to information you have received from any current or former employee of defendants regarding defendants' treatment of elephants.

**Objections and Response to Request No. 10:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 11:**

All documents that refer, reflect, or relate to any complaint or report that you or any person on your behalf has made directly to defendants or any of their employees regarding the treatment of elephants by defendants or any of defendants' current or former employees.

**Response to Request No. 11:**

Subject to and without waiving plaintiffs' general objections, plaintiffs are producing documents responsive to this Request. See Addendum.



**Request No. 12:**

All documents that purport to memorialize any of the events alleged in the notice of intent to sue letters.

**Objections and Response to Request No. 12**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 13:**

All documents that refer, reflect, or relate to allegations in the complaint of defendants harming elephants; to elephants being harmed; or to defendants keeping elephants "confined" or "in chains each day, for most of the day," including, without limitation, any documents that refer, reflect, or relate to any "physical discomfort, behavioral stress, and severe psychological harm" caused by such conduct.

**Objections and Response to Request No. 13:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 14:**

All documents that refer, reflect, or relate to defendants having "taken" an elephant within the meaning of the Endangered Species Act.

**Objections and Response to Request No. 14:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 15:**

All documents that describe, purport to memorialize, or refer, reflect, or relate to any of the alleged events or facts as set forth in the complaint relating to elephants' "stereotypic" behavior or any such alleged behavior by defendants' elephants', including but not limited to documents documenting such behavior, documents relating to the reasons for such behavior, and/or documents describing such behavior.

**Objections and Response to Request No. 14:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 16:**

All documents that refer, reflect, or relate to the death of Benjamin, including without limitation all documents relating to the causes of Benjamin's death and alleged "routine beatings" of Benjamin as are alleged in the complaint.

**Objections and Response to Request No. 16:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the

attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See

Addendum.

**Request No. 17:**

All documents that refer, reflect, or relate to defendants' separation of juvenile elephants from their mothers, including without limitation any documents that refer, 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.

**Objections and Response to Request No. 17:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See

Addendum.

**Request No. 18:**

All documents that refer, reflect, or relate to the death of Kenny, including without limitation any documents that refer, reflect, or relate 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."

**Objections and Response to Request No. 18:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See

Addendum.

**Request No. 19:**

Documents sufficient to show all resources you have expended in “advocating better treatment of animals in captivity, including animals used for entertainment purposes” each year from 1996 to the present.

**Objections and Response to Request No. 19:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. Plaintiffs further object because it would require the disclosure of invoices received by Meyer & Glitzenstein, which describe work performed in connection with ASPCA v. Ringling Bros, Civ. Nos. 00-161, 03-2006, and ASPCA v. USDA, Civ. No. 01-2628, and hence are protected by the attorney-work product privilege. The ASPCA further objects on the grounds that the Request would require the disclosure of internal confidential proprietary information concerning the ASPCA’s budget allocations. Subject to and without waiving these or plaintiffs’ general objections, plaintiffs are producing documents responsive to this request. See

Addendum.

**Request No. 20:**

All documents that refer, reflect, or relate to any expenditure by you of “financial and other resources” made while “pursuing alternative sources of information about defendants’ actions and treatment of elephants” each year from 1996 to the present.

**Objections and Response to Request No. 20:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. Plaintiffs further object because it would require the disclosure of invoices received by Meyer & Glitzenstein, which describe work performed in connection with ASPCA v. USDA, Civ. No. 01-2628, and hence are protected by the attorney-work product privilege. The

ASPCA further objects on the grounds that the Request would require the disclosure of internal confidential proprietary information concerning the ASPCA's budget allocations. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Document Request No. 21:**

All documents that refer, reflect, or relate to any communication between you and plaintiff Tom Rider.

**Objections and Response to Request No. 21:**

Plaintiffs object to this Request to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, the ASPCA is producing responsive documents, see Addendum; the Fund, and AWI state that they have not located any such documents.

**Request No. 22:**

All documents that refer, reflect, or relate to any communication between you and any other animal advocates or animal advocacy organizations concerning (a) any circus, including but not limited to Ringling Bros and Barnum and Bailey Circus or (b) the treatment of elephants in captivity.

**Objections and Response to Request No. 22:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, calls for the production of irrelevant documents, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 23:**

All documents that refer, reflect, or relate to any communication between you and any current or former employee of defendants or any other individual identified in the initial disclosures.

**Objections and Response to Request No. 23:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 24:**

All documents that refer, reflect, or relate to any communication between you and any of your members, volunteers, donors, and/or employees regarding (a) the events alleged in the complaint or in the notice of intent to sue letters, (b) the presentation of elephants in circuses, or (c) your position, public stance, or public statements regarding the presentation of elephants in circuses.

**Objections and Response to Request No. 24:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 25:**

All publications, newsletters, pamphlets, letters, and other communications that you have published or that you have received from any other animal advocates or animal advocacy organizations that refer, reflect, or relate to the presentation of elephants in circuses, the 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.

**Objections and Response to Request No. 25:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 26:**

All documents that refer, reflect, or relate to any public statements that you, your agents, or anyone acting at your behest (including, without limitation, other animal advocates, animal advocacy organizations, or their attorneys) have made about animal care at Ringling Bros. or any other circus.

**Objections and Response to Request No. 26:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 27:**

All documents that refer, reflect, or relate to the training of elephants in captivity, including but not limited to American Zoological Association guidelines; guidelines issued by other circuses or organizations, including but not limited to you or any other animal advocates; U.S. Department of Agriculture elephant training guidelines; and any correspondence about the same.

**Objections and Response to Request No. 27:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. AWI further objects to the extent this Request calls for the production of

documents that are covered by the attorney-client and attorney work product privileges with respect to documents generated in Born Free v. Norton, Civ. No. 03-00856 (D.D.C.) and No. 03-5216 (D.C. Cir.). Subject to and without waiving these or plaintiffs general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 28:**

All documents that refer, reflect, or relate to elephant behavior and/or physiology, whether in captivity, in the wild, or both.

**Objections and Response to Request No. 28:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. AWI further objects to the extent this Request calls for the production of documents that are covered by the attorney-client and attorney work product privileges with respect to documents generated in Born Free v. Norton, Civ. No. 03-00856 (D.D.C.) and No. 03-5216 (D.C. Cir.). Subject to and without waiving these or plaintiffs general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 29:**

All documents that refer, reflect, or relate to the presence of tuberculosis in circus elephants.

**Objections and Response to Request No. 29:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 30:**

All documents that refer, reflect, or relate to legislative bans on use of animals in circuses in U.S. and foreign jurisdictions including without limitation legislation and proposed legislation,



correspondence, and speeches or testimony regarding such legislation.

**Objections and Response to Request No. 30:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. The ASPCA further objects to this Request on the ground that it would require the disclosure of attorney-client communications concerning proposed legislation between Lisa Weisberg, attorney for the ASPCA, and the President of the ASPCA. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 31:**

Any fact sheets that refer, reflect, or relate to the presentation of and/or treatment of elephants in circuses, and any documents or records underlying or associated with those fact sheets.

**Objections and Response to Request No. 31:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 32:**

All documents that contain statements made by you, to you, or of which you are aware that refer, reflect, or relate to anything positive or favorable about defendants' care for, handling of, or treatment of their elephants.

**Response to Request No. 32:**

Subject to plaintiffs' general objections, plaintiffs are producing documents that are responsive to this Request. See Addendum.

**Request No. 33:**

Any other correspondence or other documents in your possession that refer, reflect, or relate to

support for or opposition to the presentation of elephants in circuses or to circuses in general, including but not limited to speeches, articles, letters to the editor, and Internet postings.

**Objections and Response to Request No. 33:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 34:**

All speeches, presentations, testimony, or correspondence that refer, reflect, or relate to defendants or other circuses.

**Objections and Response to Request No. 34:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 35:**

All documents referenced in your Disclosures not covered by an earlier request.

**Response to Request No. 35:**

Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

**Request No. 36:**

All documents in your possession not covered by an earlier request that refer, reflect, or relate to any person identified in your Initial Disclosures as likely to have discoverable information that you may use to support your claims in this case.

**Objections and Response to Request No. 36:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

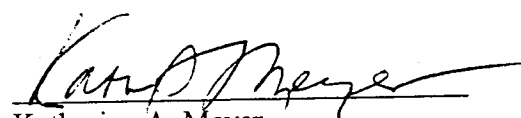
**Request No. 37:**

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

**Objections and Response to Request No. 37:**

Plaintiffs object to this Request on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for the production of documents protected by the attorney-client or the work product privileges. Subject to and without waiving these or plaintiffs' general objections, plaintiffs are producing documents responsive to this request. See Addendum.

Objections respectfully submitted by:

A handwritten signature in black ink, appearing to read "Katherine A. Meyer", written over a horizontal line.

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

Date: June 9, 2004

**ADDENDUM TO PLAINTIFFS' RESPONSES TO DEFENDANTS'  
REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Rules of Civil Procedure, plaintiffs hereby supplement their responses to defendants' document production requests with the following list, which correlates documents being produced with the document production request(s) to which they are responsive. Plaintiffs have listed the documents in the following categories: (1) documents produced by plaintiff American Society for Prevention of Cruelty to Animals ("ASPCA"), which are marked sequentially beginning with "A - 00001;" (2) documents produced by plaintiff the Fund for Animals ("FFA"), which are marked sequentially beginning with "F - 00001;" (3) documents produced by plaintiff Animal Welfare Institute ("AWI"), which are marked sequentially beginning with "AWI - 00001;" and (4) additional documents produced of behalf of all of the plaintiffs, which are marked sequentially beginning with "PL - 00001." Plaintiffs have listed the documents by Bates numbers, and designated which document production requests they are primarily responsive to, and in some cases have also identified Interrogatories which ask for information that is reflected in such documents.

**I. ASPCA DOCUMENTS**

The ASPCA is producing documents labeled A - 00001 - 00934. All of these documents were in the possession of the ASPCA headquarters at 424 East 92<sup>nd</sup> Street, New York, New York 10128, (212) 876-7700. The ASPCA has further identified the division that produced each set of documents. The document requests to which the documents primarily respond are listed below. Many documents are responsive to more than one document request, as indicated below. Some or all of the documents listed in a given range may be responsive to some or all of the corresponding requests.

**DOCUMENTS**

A- 00001 - 00289, produced by  
Government Affairs

**DOCUMENT PRODUCTION REQUEST #**

5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17,  
18, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 37  
(and Interrogatories 17, 18, and 19)

|  |  |
|--|--|
| A - 00290 - 00464, produced by Humane Education                                  | 2, 4, 5, 6, 15, 26, 27, 28, 31, 33, 37<br>(and Interrogatory 14)                 |
| A - 00466 - 00468 (two books and a videotape produced by Humane Education)       | 32, 37   |
| A - 00469, produced by Human Resources   | 1, 37  |
| A - 00470 - 00569, produced by Communications                                    | 13, 24, 25, 26, 37   |
| A - 00570 - 00676, produced by Communications                                    | 13, 24, 25, 26, 37   |
| A - 00677 - 00783, produced by Media Relations                                   | 4, 16, 21, 23, 26, 29, 31, 32, 33, 37<br>(and Interrogatory 16)                  |
| A - 00784 - 00785, produced by Media Relations                                   | 2, 4, 6, 9, 13, 14, 22, 24, 25, 26, 30, 31, 33, 34, 37<br>(and Interrogatory 17) |
| A - 00786 - 00800, produced by Government Relations                              | 6, 9, 37<br>(and Interrogatory 17)   |
| A - 00801 - 00852, produced by Humane Law Enforcement                            | 9, 13, 28, 37<br>(and Interrogatory 12)  |
| A - 00853 - 00863, produced by HQ  | 1, 37  |
| A - 00864 - 00865, produced by HQ (non-responsive information has been redacted) | 3, 37  |
| A - 00866 - 00871, produced by HQ  | 19, 20, 37   |
| A - 00872 - 00874, produced by Government Affairs                                | 2, 4, 13, 14, 22, 24, 26, 33, 34, 37   |
| A - 00875 - 00876, produced by HQ  | 2, 4, 13, 14, 25, 26, 33, 34, 37   |
| A - 00877 - 00895, produced by HQ  | 19, 37   |

|   |  |
|---|--|
| A - 00896 - 00908, produced by HQ                 | 19, 20, 37   |
| A - 00909 - 00934, produced by<br>Media Relations | 2, 4, 6, 7, 8, 9, 13, 14, 17, 22, 24, 25, 26, 30,<br>33, 34,<br>37 |

**II. THE FUND DOCUMENTS**

The Fund is producing documents labeled F 00001-F 04028. Documents F 00001- F 03094 were in the possession of The Fund's national campaign office at 8121 Georgia Avenue, Suite 301 Silver Spring, MD 20910-4947. Documents F 03095- F 04028 were in the possession of D.J. Schubert at The Fund's Black Beauty Ranch, in Murchison, TX, 75778. The document requests to which the documents primarily respond are listed below. Many documents are responsive to more than one Document Request, as indicated below. Some or all of the documents listed in a given range may be responsive to some or all of the corresponding requests.

| <u>DOCUMENTS</u> | <u>DOCUMENT PRODUCTION REQUEST #</u>  |
|------------------|---|
| F-00001-00801    | 5, 6, 22, 25, 27, 28, 31  |
| F - 00802-01001  | 2, 4, 6, 9, 10, 13, 14, 16, 17, 18, 20, 22, 24, 25, 26,<br>27, 28, 31, 32, 33, 34 |
| F - 01002-01070  | 4, 6, 8, 19, 22, 30   |
| F - 01071-01232  | 2, 4, 5, 6, 19, 22, 24, 25, 26, 27, 28, 31, 33                                    |
| F - 01233-01253  | 5, 6, 19, 27  |
| F - 01254-01493  | 4, 5, 6, 9, 19, 22, 24, 25, 27, 28  |
| F - 01495-01560  | 2, 4, 5, 6, 13, 14, 15, 16, 18, 19, 22, 24, 25, 26, 27,<br>28, 31, 33, 34         |
| F - 01561-01580  | 1, 2, 4, 5, 6, 9, 12, 13, 14, 16, 17, 19, 25, 27, 28, 33,<br>34, 36               |
| F - 01581-01913  | 27, 28  |
| F - 01914-01944  | 4, 5, 6, 7, 8, 19, 25, 27, 28, 33, 34   |

|   |   |
|---|---|
| F - 01945-01950   | 2, 13, 25, 33, 34   |
| F - 01951-01964   | 36  |
| F - 01965-02154   | 4, 5, 6, 19, 22, 24, 25, 31   |
| F - 02155-02255   | 1, 19   |
| F - 02256-02692   | 19  |
| F - 02693-02704   | 2, 4, 6, 7, 11, 25, 27, 28, 33, 34  |
| F - 02705-02706   | 1   |
| F - 02707-02758   | 2, 4, 5, 6, 13, 19, 22, 24, 25, 26, 27, 28, 33, 34                                  |
| F - 02759-02949   | 19  |
| F - 02950<br>(list of videos in possession of The Fund) | 24, 25, 27, 28, 33, 34  |
| F - 02951-03094   | 4, 5, 6, 19   |
| F - 03095-04028   | 2, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 25, 27, 28, 29, 33, 34 |

**III. AWI DOCUMENTS**

AWI is producing documents labeled AWI 00001-AWI 05892. These documents were in the possession of the AWI headquarters at 1007 Queen Street, Alexandria, Virginia, 22314. The document requests to which the documents primarily respond are listed below. Many documents are responsive to more than one Document Request, as indicated below. Some or all of the documents listed in a given range may be responsive to some or all of the corresponding requests.

| <b><u>DOCUMENTS</u></b> | <b><u>DOCUMENT PRODUCTION REQUEST #</u></b>               |
|-------------------------|---|
| AWI - 00001-00002       | 2, 4, 6, 13, 19, 24, 25, 28, 33, 34                       |
| AWI - 00003-00008       | 2, 4, 5, 6, 9, 12, 13, 16, 19, 20, 24, 25, 28, 29, 33, 34 |
| AWI- 00009              | 19, 25, 28  |



|   |   |
|---|---|
| AWI - 00010-00016   | 1, 19   |
| AWI- 00017  | 19  |
| AWI-00018-01259   | 27, 28  |
| AWI - 01261-01441   | 5, 6, 19, 22, 25, 27, 28  |
| AWI - 01442-01461   | 19, 25  |
| AWI - 01462-01488   | 2, 9, 12, 13, 14, 17, 27, 28, 33, 34                                      |
| AWI - 01490-01588   | 2, 9, 22, 25, 27, 28, 29, 31, 33, 34                                      |
| AWI - 01589-01613   | 22, 30, 33, 34  |
| AWI - 01614-01648   | 2, 9, 22, 25, 27, 28, 29, 31, 33, 34                                      |
| AWI - 01649-01794   | 2, 9, 13, 22, 25, 27, 28, 33, 34  |
| AWI - 01795-01796   | 2, 32, 33, 34   |
| AWI - 01797-01803   | 2, 27, 28, 32, 33, 34   |
| AWI - 01804   | 2, 13, 22, 33, 34   |
| AWI - 01805-01807   | 27, 28  |
| AWI - 01808-1896  | 2, 4, 6, 9, 13, 14, 16, 17, 20, 22, 24, 25, 26, 27, 28,<br>29, 30, 33, 34 |
| AWI - 01897-01980   | 25, 28  |
| AWI - 01981-02080<br>(note: these documents represent the cover<br>and inside page of books in AWI's<br>possession that contain responsive<br>information; the entire book is not copied) | 25, 28  |
| AWI - 02081-02084   | 2, 9, 13, 16, 25, 33, 34, 36  |
| AWI - 02085-02088   | 2, 9, 27  |

|                   |   |
|-------------------|---|
| AWI - 02089-02122 | 2, 9, 12, 13, 17, 25, 33, 34, 36                              |
| AWI - 02123-02284 | 15, 25, 28  |
| AWI-02285-02287   | 25, 27, 28, 29, 31, 33, 34                                    |
| AWI-02288-02445   | 2, 9, 25, 27, 28, 29, 30, 31, 33, 34                          |
| AWI - 02446-02610 | 2, 4, 5, 6, 9, 13, 14, 19, 20, 22, 24, 25, 26, 27, 28, 33, 34 |
| AWI - 02611-03163 | 5, 6, 27, 28  |
| AWI - 03164-03173 | 5, 6, 27  |
| AWI - 03174-03192 | 5, 6, 8, 28   |
| AWI - 03193-03196 | 5, 8  |
| AWI - 03197-03745 | 5, 6, 8, 27, 28   |
| AWI - 03746-04377 | 5, 6, 8, 27, 28   |
| AWI - 04378-04386 | 5, 6, 8   |
| AWI - 04387-04390 | 5, 6, 27  |
| AWI - 04391-04443 | 5, 6, 8, 27, 28   |
| AWI - 04444-04448 | 5, 6, 8, 28   |
| AWI - 04449-05144 | 27, 28  |
| AWI - 05145-05202 | 5, 6, 8   |
| AWI - 05203-05422 | 5, 6, 27, 28  |
| AWI - 05423-05494 | 5, 6, 27  |
| AWI - 05495-05512 | 5   |
| AWI - 05513-05780 | 5, 6, 27, 28  |

|                   |              |
|-------------------|--------------|
| AWI - 05781-05853 | 5, 6, 27, 28 |
| AWI - 05854-05862 | 5, 6         |
| AWI - 05863-05877 | 5, 6         |
| AWI - 05878-05879 | 5            |
| AWI - 05880-05888 | 5, 6         |
| AWI - 05889-05890 | 23           |
| AWI - 05891-05892 | 19           |

**IV. DOCUMENTS PRODUCED ON BEHALF OF ALL PLAINTIFFS**

Documents labeled P - 00001 - 007085 are being produced on behalf of all of the plaintiffs. All of these documents were maintained at the office of plaintiffs' attorneys, Meyer & Glitzenstein, 1601 Connecticut Ave., N.W. Suite 700, Washington, D.C. 20009, (202) 588-5206. The document requests to which the documents primarily respond are listed below. Many documents are responsive to more than one document request, as indicated below. Some or all of the documents listed may be responsive to some or all of the corresponding requests.

|                               |                               |
|-------------------------------|-------------------------------|
| PL - 00005-00072 <sup>1</sup> | 2, 13, 25, 27, 28, 33, 34, 36 |
| PL - 00073-000261             | 2, 35, 36                     |
| PL - 00262-00263              | 27                            |
| PL - 00265-00292              | 9, 25, 27, 28, 33, 36         |
| PL- 00293-00508               | 28                            |
| PL - 00859-00514              | 25, 28                        |
| PL - 00515-00554              | 9, 33, 34, 36                 |

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<sup>1</sup>Due to an error on the part of plaintiffs' copying service, Bates numbers PL-00001-00004 were inadvertently labeled; however those documents are completely unrelated to this case and are not being produced.

|  |   |
|--|---|
| PL - 00555-00569   | 25, 28, 30, 33, 34  |
| PL - 00570-00579   | 25, 28, 33, 34  |
| PL - 00580-00596   | 25, 28, 29, 33, 34  |
| PL - 00597   | 34  |
| PL - 00606-00651 <sup>2</sup>  | 28, 34  |
| PL - 00652-00653   | 34  |
| PL - 00654-00656   | 35  |
| PL - 00657-00662   | 2, 9, 12, 13, 14, 18, 34  |
| PL - 00663-00779   | 2, 12, 13, 14, 27, 28, 33, 34   |
| PL - 00780-01076   | 2, 8, 32, 33, 34  |
| PL - 01077-01136   | 2, 12, 13, 14, 17, 27, 28, 33, 34                                     |
| PL - 01137-01146   | 30, 33  |
| PL - 01147-01162   | 2, 8, 13, 14, 25, 28, 33, 34  |
| PL - 01163-01333   | 2, 27, 28, 29, 31, 33, 34   |
| PL - 01333 <sup>3</sup> - 01143<br>(relating to plaintiffs' FOIA requests,<br>and FOIA litigation) | 2, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 22, 25, 26, 32,<br>33, and 37 |
| PL - 01444- 01445  | 15, 28, 37  |
| PL - 01146 - 01462   | 27, 28, 35, and 37  |
| PL - 01463 - 01474   | 9, and 37   |

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<sup>2</sup>PL - 00598-00605 is a privileged document that was inadvertently Bates labeled; it is being included on plaintiffs' privilege log.

<sup>3</sup>Due to an error on the part of plaintiffs' copying service, there are two documents labeled PL 01333.

(relating to plaintiffs' FOIA requests,  
and FOIA litigation)

|  |  |
|--|--|
| PL - 01475   | 27, 28, and 37   |
| PL - 01476 - 01481   | 9 and 37   |
| PL - 01482 - 01751   | 2, 4, 6, 7, 8, 9, 12, 13, 14, 18 , 22, 24, 25, 26, 28, 31,<br>32, 33, 34, and 37 |
| PL - 01752 - 01968<br>(relating to plaintiffs' FOIA requests                                       | 2, 7, 8, 9, 12, 13, 14, 15, 16, 17,18, 22, 25, 26, 32,<br>33, 35 and 37          |
| PL - 01969 - 02021<br>(relating to plaintiffs' FOIA requests,<br>and FOIA litigation)              | 2, 7, 8, 9, 12, 13, 14, 15, 16, 17,18, 22, 25, 26, 32,<br>33, and 37             |
| PL - 02022 - 02280<br>(relating to plaintiffs' FOIA requests,<br>and FOIA litigation)              | 2, 7, 8, 9, 12, 13, 14, 15, 16, 17,18, 22, 25, 26, 32,<br>33, and 37             |
| PL - 02369 - 02667<br>(relating to plaintiffs' FOIA requests,<br>and FOIA litigation)              | 2, 7, 8, 9, 12, 13, 14, 15, 16, 17,18, 22, 25, 26, 29,<br>32, 33, and 37         |
| PL - 02668 - 02762<br>(relating to plaintiffs' FOIA requests,<br>and FOIA litigation)              | 2, 7, 8, 9, 12, 13, 14, 15, 16, 17,18, 22, 25, 26, 29,<br>32, 33, and 37         |
| PL - 02763 - 02771   | 2, 7, 8, 9, 12, 13, 14, 22, 28, and 37   |
| PL - 02772 - 02792   | 2, 37  |
| PL - 02793 - 02803   | 2, 8, 9, 10, 12, 13, 14, 16, 22, 37  |
| PL - 02804 - 03069<br>(relating to plaintiffs' FOIA<br>requests - mostly the death<br>of Benjamin) | 2, 7, 8, 9, 11, 12, 13, 14, 16, 22, 25, 28, 31, ,33, 37                          |
| PL - 03070 - 03215<br>(relating to plaintiffs' FOIA  | 2, 7, 8, 9, 11, 12, 13, 14, 16, 22, 25, 28, 31, ,33, 37                          |

requests - mostly the death  
of Benjamin)

|  |  |
|--|--|
| PL - 03216 - 03221   | 2, 10, 32, 37  |
| PL - 03222 - 03230   | 28, 37   |
| PL - 03231 - 03267   | 28, 37   |
| PL - 03268 - 03530   | 28, 37   |
| PL - 03531 - 03832   | 28, 37   |
| PL - 03833 - 03845<br>(books) <sup>4</sup>   | 28, 37   |
| PL - 03846 - 04152   | 2, 7, 8, 9, 11, 12, 13, 14, 17, 22, 25, 28, 31, 33, 37   |
| PL - 04153 - 04445   | 2, 7, 8, 9, 11, 12, 13, 14, 22, 25, 28, 31, 33, 37   |
| PL - 04446 - 04615   | 2, 7, 8, 9, 11, 12, 13, 14, 16, 21, 22, 25, 28, 31, 33,<br>37  |
| PL - 04616 - 04637   | 2, 6, 9, 12, 13, 14, 24, 25, 26, 28, 37  |
| PL - 04638 - 04769   | 2, 6, 9, 12, 13, 14, 24, 25, 26, 28, 37  |
| PL - 04770 - 04995   | 7, 8, 9, 13, 14, 29, 37  |
| PL - 04997 - 05010   | 28, 29, 37   |
| PL 05011 - 05111   | 2, 6, 9, 12, 13, 14, 24, 25, 26, 28, 37  |
| PL - 05112 - 05117   | 2, 6, 9, 12, 13, 14, 24, 25, 26, 28, 37  |
| PL - 05118 (Report:<br>Government Sanctioned Abuse:<br>How the United States Department<br>of Agriculture Allows Ringling Brothers<br>to Systematically Mistreat Elephants"<br>(September 2003)) | 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18<br>21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 34, 37 |

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<sup>4</sup>Plaintiffs have produced the cover and title pages of each of these books so that defendants can obtain their own copies should they choose to do so.

|  |   |
|--|---|
| PL - 05119-05415   | 30, 31, 33, 34  |
| PL - 04516-05433   | 27, 28  |
| PL - 05435-05770   | 2, 13, 25, 27, 28, 31, 33, 34   |
| PL - 05771-06002   | 2, 9, 25, 27, 28, 30, 33, 34, 35  |
| PL - 06003-06045   | 2, 4, 6, 13, 14, 25, 26, 27, 28, 33, 34                                     |
| PL - 06046 - 06170   | 2, 4, 6, 13, 14, 25, 28, 31, 32, 33, 34                                     |
| PL - 06171-006210  | 2, 27, 28, 32, 33, 34   |
| PL - 06211-06969   | 27, 28  |
| PL - 06970-06971<br>(a video and a program produced<br>by Ringling Brothers; not reproduced<br>here in full) | 2, 33   |
| PL -06973 <sup>5</sup> - 06980 (Plaintiffs'<br>notice letters)   | 2, 7, 8, 9, 11, 12, 13, 14, 26, 37<br>(an Interrogatories 5, 6, 17, 18, 19) |
| PL - 06981 - 06983   | 32, 37  |
| PL - 06984 - 07008   | 2, 7, 9, 12, 13, 14, 37   |
| PL - 07009   | 27, 37  |
| PL - 07010   | 9, 37   |
| PL - 07011 - 07042   | 21, 37  |
| PL - 07032 - 07042   | 2, 12, 13, 14, 37   |
| PL - 07043 - 07044   | 25, 37  |

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<sup>5</sup>Due to an error on the part of plaintiffs' copying service, no document was labeled PL 06972, and there is a gap in the numbering. There may be other instances in the documents plaintiffs are producing where there is a gap in the range due to a clerical error. Unless plaintiffs specifically state otherwise, any existing gaps are due to such errors and not due to plaintiffs' removal of the document from the range.

PL - 07045 - 07065

9, 22, 25, 27, 28, 34, 37

PL - 07066-07075  
(video tapes)

2, 10, 12, 13, 14, 15, 27, 28, 33, 34

PL - 07076  
(video tape)

28, 33

PL - 07077-07085  
(video tapes)

2, 10, 12, 13, 14, 15, 27, 28, 33, 34