

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 17

TO

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

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs, :

V. : Case No. 03-2006 (EGS)

RINGLING BROS. AND BARNUM & :

BAILEY CIRCUS, et al., :

Defendants. :

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Washington, D.C.

Tuesday, July 19, 2005

Videotaped deposition of LISA WEISBERG, a witness herein, called for examination by counsel for Defendants in the above-entitled matter, pursuant to notice, the witness being duly sworn by MARY GRACE CASTLEBERRY, a Notary Public in and for the District of Columbia, taken at the offices of Covington & Burling, 1201 Pennsylvania Avenue, N.W., Washington, D.C., at 9:40 a.m., Tuesday, July 19, 2005, and the proceedings being taken down by Stenotype by MARY GRACE CASTLEBERRY, RPR, and transcribed under her direction.

Page 46	Page 48
<p>1 Bros.</p> <p>2 Q. What other activities were covered in the</p> <p>3 \$6,000 grant?</p> <p>4 A. They were to reimburse Tom Rider for his</p> <p>5 general living expenses to travel the country and</p> <p>6 meet with the media.</p> <p>7 Q. Did you have any direct -- did you provide</p> <p>8 Mr. Rider with any direct payments or were all of</p> <p>9 your -- that's my question. Did you provide him with</p> <p>10 any direct payments?</p> <p>11 A. Yes, in 2003, I believe.</p> <p>12 Q. Did you provide that check request to us?</p> <p>13 A. I believe I did.</p> <p>14 MS. DALTON: I don't recall that, so Kim,</p> <p>15 if we could perhaps discuss that. We didn't receive</p> <p>16 any check request for Mr. Rider specifically.</p> <p>17 THE WITNESS: Well, they weren't to</p> <p>18 Mr. Rider, the check requests. We would either</p> <p>19 advance money to him to purchase a Greyhound bus</p> <p>20 ticket or to reimburse him for his daily living</p> <p>21 expenses or I would prepay his hotel rooms. So there</p> <p>22 was never any checks written to Mr. Rider.</p> <p>23 BY MS. DALTON:</p> <p>24 Q. So there aren't any documents that would</p> <p>25 reflect any of those purchases or any of those</p>	<p>1 any additional funds for his participation in this</p> <p>2 project from other plaintiffs?</p> <p>3 A. I can't answer that.</p> <p>4 Q. You don't know?</p> <p>5 A. I don't recall.</p> <p>6 MS. DALTON: I would like to mark Exhibit</p> <p>7 8.</p> <p>8 (ASPCA Exhibit No. 8 was</p> <p>9 marked for identification.)</p> <p>10 BY MS. DALTON:</p> <p>11 Q. And this is another check request</p> <p>12 requested by you for the check made payable to Meyer</p> <p>13 & Glitzenstein for, quote, "Tom Rider testimony at</p> <p>14 Mass. legislative hearing on anticircus bill,"</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. And this was dated May 23rd, 2003,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. Why did the ASPCA reimburse Mr. Rider for</p> <p>21 this testimony?</p> <p>22 A. That covered his transportation and hotel</p> <p>23 costs to get to Massachusetts, to get to Boston to</p> <p>24 testify at the hearing.</p> <p>25 Q. Why did the ASPCA not reimburse Mr. Rider</p>
Page 47	Page 49
<p>1 monetary advances?</p> <p>2 A. The hotel rooms were oftentimes put on my</p> <p>3 American Express corporate card, and then some of the</p> <p>4 other smaller items were reimbursed to him through</p> <p>5 petty cash.</p> <p>6 Q. And those were all in 2003?</p> <p>7 A. Correct.</p> <p>8 Q. Can you think of any other direct payments</p> <p>9 or in-kind reimbursements to Mr. Rider for any of the</p> <p>10 years besides 2003?</p> <p>11 A. No.</p> <p>12 Q. Returning to Exhibit 7. So if you could</p> <p>13 tell me -- if you could go into more detail as to</p> <p>14 what the \$6,000 grant was originally for.</p> <p>15 A. Again, it was to reimburse Mr. Rider for</p> <p>16 his Greyhound bus tickets, to travel the country,</p> <p>17 basic day-to-day living expenses, food, lodging.</p> <p>18 Q. And this was all provided through the</p> <p>19 Wildlife Advocacy Project?</p> <p>20 A. Correct.</p> <p>21 Q. Did Mr. Rider know that the ASPCA was</p> <p>22 providing this funding through the Wildlife Advocacy</p> <p>23 Project?</p> <p>24 A. I believe so.</p> <p>25 Q. Did Mr. Rider, to your knowledge, receive</p>	<p>1 directly for his work on this project?</p> <p>2 A. At the time, we had no way of getting the</p> <p>3 money to Mr. Rider because he was on the road and</p> <p>4 Meyer & Glitzenstein was able to wire the money to</p> <p>5 him.</p> <p>6 Q. Did you consult with Mr. Rider about the</p> <p>7 contents of his testimony?</p> <p>8 A. Of the contents of his testimony?</p> <p>9 Q. Yes, referred to in this exhibit.</p> <p>10 A. No. Mr. Rider can speak firsthand about</p> <p>11 his knowledge of what occurs at Ringling Bros.</p> <p>12 Q. Did Mr. Rider know that the ASPCA was</p> <p>13 providing this funding?</p> <p>14 A. I believe so.</p> <p>15 Q. Have any other payments from the ASPCA to</p> <p>16 Meyer & Glitzenstein included funds that were</p> <p>17 intended to go to Mr. Rider?</p> <p>18 A. No.</p> <p>19 MS. DALTON: I would like to mark Exhibit</p> <p>20 9.</p> <p>21 (ASPCA Exhibit No. 9 was</p> <p>22 marked for identification.)</p> <p>23 BY MS. DALTON:</p> <p>24 Q. And this is an e-mail to Dr. Hawk from you</p> <p>25 dated May 7th, 2001, correct?</p>

13 (Pages 46 to 49)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u> ,)	
)	
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)	
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 (<i>Animal Watch</i> @ \$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
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Humane Law Enforcement investigations (8/4/98; 8/31/98)	\$ 500
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Communications (<i>Animal Watch</i> articles @ \$ 3,000/page)	\$4500
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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 (<i>Animal Watch</i> 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 and 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.

Cathy Liss 30(b)(6)

Washington, DC

May 18, 2005

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs, : Case No. 03-2006(EGS)

v. :

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

Defendants. :

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Washington, D.C.
 Wednesday, May 18, 2005

Videotape Deposition of CATHY LISS, a
 30(b)(6) witness herein, called for examination by
 counsel for Defendants in the above-entitled matter,
 pursuant to notice, the witness being duly sworn by
 SUSAN L. CIMINELLI, a Notary Public in and for the
 District of Columbia, taken at the offices of
 Covington & Burling, 1201 Pennsylvania Avenue, N.W.,
 Washington, D.C., at 9:38 a.m., Wednesday, May 18,
 2005, and the proceedings being taken down by
 Stenotype by SUSAN L. CIMINELLI, CRR, RPR, and
 transcribed under her direction.

Page 138	Page 140
<p>1 Q. Who was there from the ASPCA?</p> <p>2 A. Lisa Weissberg.</p> <p>3 Q. Who was there from Fund for Animals?</p> <p>4 A. Mike Markarian.</p> <p>5 Q. Anyone else? Not from the Fund in</p> <p>6 particular, but was there anyone else in general</p> <p>7 there?</p> <p>8 A. Our counsel.</p> <p>9 Q. Ms. Meyer?</p> <p>10 A. Yes.</p> <p>11 Q. Anyone else?</p> <p>12 A. I don't recall who else was present.</p> <p>13 Q. How long did that meeting last?</p> <p>14 A. Couple hours at most.</p> <p>15 Q. Are there any other occasions on which you</p> <p>16 met Mr. Rider?</p> <p>17 A. No.</p> <p>18 Q. Does Mr. Rider ever work for AWI?</p> <p>19 A. No.</p> <p>20 Q. Has Animal Welfare Institute ever paid</p> <p>21 Mr. Rider any money?</p> <p>22 A. Yes.</p> <p>23 Q. How much did they pay him?</p> <p>24 A. Couple thousand dollars.</p> <p>25 Q. When was that?</p>	<p>1 A. For him to do -- to speak at events.</p> <p>2 Q. What events has he spoken at on behalf of</p> <p>3 AWI?</p> <p>4 A. He has never spoken on behalf of AWI.</p> <p>5 Q. What events has AWI paid him to speak at?</p> <p>6 A. We haven't paid him -- we paid his</p> <p>7 transportation costs so that he could go to Atlanta,</p> <p>8 for example, to speak.</p> <p>9 Q. Okay. Tell me all the events for which</p> <p>10 you paid his transportation costs so he could go</p> <p>11 speak.</p> <p>12 A. I couldn't tell you. It's not very many.</p> <p>13 Q. What do you mean by not very many? How</p> <p>14 many are we talking about?</p> <p>15 A. Given that the -- it's \$2,000 for a hotel</p> <p>16 and transportation, it doesn't go very far. Maybe</p> <p>17 three.</p> <p>18 Q. How did you decide when to, when to pay</p> <p>19 for Mr. Rider's -- let me rephrase that. Has it been</p> <p>20 at your request that Mr. Rider has gone to speak at</p> <p>21 these events?</p> <p>22 A. Yes.</p> <p>23 Q. And why have you decided to ask Mr. Rider</p> <p>24 to speak at these particular events?</p> <p>25 A. They were in conjunction with appearances</p>
Page 139	Page 141
<p>1 A. Over the course of five years. Roughly</p> <p>2 from 2000 forward.</p> <p>3 Q. Are you still making payments to him?</p> <p>4 A. No.</p> <p>5 Q. When was the last time you made a payment</p> <p>6 to him?</p> <p>7 MS. OCKENE: Objection to the</p> <p>8 characterization that there were payments on some</p> <p>9 schedule.</p> <p>10 MR. WOLSON: I don't think I made that</p> <p>11 characterization.</p> <p>12 MS. OCKENE: I'm still objecting to the</p> <p>13 form.</p> <p>14 THE WITNESS: We have no plans to give him</p> <p>15 additional moneys at this time.</p> <p>16 BY MR. WOLSON:</p> <p>17 Q. Well, my question was when was the last</p> <p>18 time you made a payment to him?</p> <p>19 A. At some point in 2005. I don't recall the</p> <p>20 date specifically.</p> <p>21 Q. So within the last four an a half months?</p> <p>22 A. Yes.</p> <p>23 Q. What were you paying him for?</p> <p>24 A. For public education.</p> <p>25 Q. What do you mean by public education?</p>	<p>1 of the circus and we thought it was important to</p> <p>2 educate the public about what he observed.</p> <p>3 Q. And when you say the circus, do you mean</p> <p>4 specifically Ringling Bros.?</p> <p>5 A. Yes.</p> <p>6 Q. So you paid Mr. Rider's expense -- travel</p> <p>7 expenses to go speak about Ringling Bros. in cities</p> <p>8 where Ringling Bros. was performing?</p> <p>9 A. That's correct. We contributed towards.</p> <p>10 Yes.</p> <p>11 Q. Was it always at your initiative that you</p> <p>12 contributed towards it?</p> <p>13 A. No.</p> <p>14 Q. Whose initiative was it?</p> <p>15 A. It might have been his, too.</p> <p>16 Q. He approached you to ask you to</p> <p>17 contribute?</p> <p>18 A. Yes.</p> <p>19 Q. Has he ever asked for anything more than</p> <p>20 his travel expenses?</p> <p>21 A. No.</p> <p>22 Q. Is all the money that you paid him for</p> <p>23 travel expenses?</p> <p>24 A. Yes.</p> <p>25 Q. On the times that you've reimbursed him,</p>

UNITED STATES DISTRICT COURT
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AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	Civ. No. 00-01641 (EGS)
Plaintiffs,)	
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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.

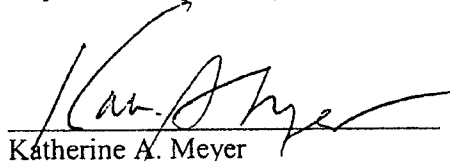
Interrogatory No. 23:

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
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Washington, D.C. 20009
(202) 588-5206

June 9, 2004

Michael Markarian

Washington, D.C.

June 22, 2005

Page 1

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Case No. 03-2006 (EGS)

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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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Washington, D.C.
June 22, 2005

Deposition of MICHAEL MARKARIAN, a witness herein, called for examination by counsel for defendant, taken at the offices of COVINGTON & BURLING, 1201 Pennsylvania Avenue, Suite 1100, on the 22nd day of June, 2005, at 9:41 a.m. before Mary Ann Payonk, RPR, RMR, RDR, Certified Realtime Reporter and Notary Public.

Michael Markarian

Washington, D.C.

June 22, 2005

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<p>1 A We have worked with the ASPCA on some 2 legislative issues, state ballot initiatives, for 3 example. 4 Q Have any of those legislative issues 5 related to circuses? 6 A Not that I can recall particularly. 7 Q Did you coordinate at all with the ASPCA 8 regarding the Captive Elephant Act and Protection Act? 9 A We may have. We routinely work with other 10 like-minded groups, but I don't particularly recall 11 coordinating specifically with the ASPCA on that 12 issue. 13 Q Other than the legislative issues you've 14 mentioned, can you think of anything else in which 15 you've worked with the ASPCA since 1996 with the same 16 carve-outs that I started with? 17 A We -- we -- the Fund for Animals 18 previously operated a spay/neuter clinic for dogs and 19 cats in New York City, and the ASPCA, because it's 20 based in New York and because it has a great deal of 21 experience with -- with pet issues, we had consulted 22 with them on -- on spay/neuter issues and dog and cat 23 issues in general in the New York area but we 24 didn't -- we didn't work with the ASPCA on any other 25 issues that really come to mind immediately.</p>	<p>1 Q Has the Animal Welfare Institute given the 2 fund any money since 1996? 3 A Not that I can recall. 4 Q When did you first meet Tom Rider? 5 A I can't recall exactly when I first met 6 him. 7 Q Do you know when the first time any 8 employee from the fund met him? 9 A I don't know. 10 Q Do you know how you were put in touch with 11 him for the first time? 12 A I don't recall. 13 Q Was it in connection with this case? 14 A I believe it was, yes. 15 Q Other than this case, has the fund worked 16 on any other projects with Mr. Rider? 17 A We have in -- in some cases worked with 18 him on the broader issue of -- of circuses in general, 19 outside of the -- the scope of this case. 20 Q And what cases were those that you've 21 worked with him? 22 A He and I both attended a press conference 23 in Denver last summer in -- in relation to a -- 24 supporting a -- a city ballot measure dealing with 25 circuses.</p>
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<p>1 Q Does the fund no longer operate the 2 spay/neuter clinic in New York City? 3 A That's correct. 4 Q Does the Humane Society operate it, then? 5 A No. 6 Q Has it been shut down? 7 A Yes. 8 Q Since 1996 has the fund given the ASPCA 9 any money? 10 A Not to my knowledge. 11 Q How about the other way? Has the ASPCA 12 given the fund any money? 13 A Not that I can recall. 14 Q Other than this case and the FOIA matters 15 that we talked about, has the fund had any contact 16 with the Animal Welfare Institute since 1996? 17 A Similarly, we have worked with the Animal 18 Welfare Institute on some legislative issues, 19 primarily. 20 Q Were any of those legislative issues 21 related to circuses? 22 A Not that I can recall, specifically. 23 Q Has the fund given the Animal Welfare 24 Institute any money since 1996? 25 A Not to my knowledge.</p>	<p>1 I know he has attended legislative 2 hearings in -- in some states and -- and press 3 conferences in some states to -- to discuss the 4 treatment of animals in circuses, and we have worked 5 with him on some of those issues. 6 Q What do you mean when you say you've 7 worked with him in connection with those legislative 8 hearings and press conferences? 9 A I -- for example, staff member of the Fund 10 for Animals was at a -- a -- a press conference and 11 rally in Harrisburg, Pennsylvania dealing with the 12 treatment of animals in circuses. Mr. Rider was also 13 present there. 14 Q Was that a protest in Harrisburg? 15 A I don't particularly know if it was a 16 protest. I was not personally present. I believe it 17 was a -- a press conference and a rally to -- to 18 educate the public about the issue of circuses and the 19 treatment of animals in circuses. 20 Q Okay. Has the fund ever -- has the fund 21 ever paid Mr. Rider any money? 22 A Yes. 23 Q On how many occasions? 24 A I believe there was one occasion. Last 25 July of 2004 we gave Mr. Rider \$1,000 to assist with</p>

40 (Pages 154 to 157)

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1 his travel expenses to participate in the Denver press
 2 conference, which I mentioned earlier.
 3 Q When you say you gave him \$1,000, did you
 4 pay for him to -- to attend that press -- let me
 5 rephrase that.
 6 Did you -- is the \$1,000 reflective of
 7 expenses you incurred to purchase and make travel
 8 arrangements for him, such as air fare, or did you
 9 actually hand over the \$1,000 to make his own
 10 arrangements?
 11 MS. MEYER: Objection to the form.
 12 BY MR. WOLSON:
 13 Q You can answer.
 14 A We gave the \$1,000 directly to Mr. Rider.
 15 He made his own travel arrangements.
 16 Q Did he submit any receipts for those --
 17 that thousand dollars?
 18 A I believe that we did receive one receipt
 19 from him.
 20 Q Was that receipt for \$1,000?
 21 A I don't -- I don't recall how -- the exact
 22 amount.
 23 Q Do you know what the receipt was for?
 24 A My recollection is that he -- he -- that
 25 it was a receipt for some repairs to his vehicle which

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1 allowed him to drive to -- to Denver.
 2 Q So you never got a receipt from him for a
 3 hotel room?
 4 A No, not to my knowledge.
 5 Q Other than paying money, has the fund ever
 6 given Mr. Rider any other sort of compensation, like
 7 food or lodging or transport?
 8 A Not that I'm aware of.
 9 Q Go back to the interrogatory responses and
 10 look at interrogatory number 8 on page 25. I'm sorry,
 11 interrogatory 16. Interrogatory 16 asks for every
 12 communication that you have had with any current or
 13 former employee of defendant since 1996. See that?
 14 A Yes.
 15 Q Okay. On page 26 is the start of a
 16 paragraph that lasts for about a page detailing some
 17 communications that Mr. Schubert has had with
 18 Mr. Rider. Do you see that?
 19 A Yes, I do.
 20 Q Okay. The first one of these occurred
 21 in -- what it says here was June or July of 1999 or
 22 2000. Do you see that?
 23 A Yes.
 24 Q Who was Mr. Schubert working for at that
 25 time?

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1 A At that time, I believe he was working for
 2 his own consulting business called Schubert and
 3 Associates.
 4 Q What kind of consulting business was that?
 5 A He did wildlife biology consulting and --
 6 and research for various clients, including the Fund
 7 for Animals and other animal protection organizations.
 8 Q And that was based in Phoenix?
 9 A Yes.
 10 Q It says that at that time, Mr. Schubert
 11 contacted Mr. Rider by telephone to determine whether
 12 he, I presume Mr. Rider, would be available to
 13 transfer to Phoenix to participate in a press
 14 conference being hosted by the Animal Defense League
 15 of Arizona. Do you see that?
 16 A Yes.
 17 Q Do you know where Mr. Rider was living at
 18 that time?
 19 A No, I don't know.
 20 Q Do you know for whom he was working?
 21 A No, I don't.
 22 Q Do you know if he was working for Ringling
 23 Bros.?
 24 A I don't -- I don't know. I believe it was
 25 after he was no longer an employee of Ringling Bros.

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1 Q Do you know how Mr. Schubert knew who
 2 Mr. Rider was?
 3 A I don't know how they met particularly.
 4 Q Do you know how he knew where to reach
 5 Mr. Rider?
 6 A No, I don't know.
 7 Q Do you know why Mr. Schubert selected
 8 Mr. Rider?
 9 A No, I don't.
 10 Q It says here that arrangements were made
 11 for Mr. Rider to fly into Phoenix to Sky Harbor
 12 Airport. Do you see that?
 13 A Yes.
 14 Q Who made those arrangements?
 15 A I don't know.
 16 Q Do you know who paid for Mr. Rider's
 17 flight?
 18 A No, I don't.
 19 Q The interrogatory response goes on to say
 20 that Mr. Schubert picked Mr. Rider up, took him to
 21 dinner and dropped him off at a hotel. Do you see
 22 that?
 23 A Yes.
 24 Q Do you know who paid for the dinner?
 25 A No, I don't.

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 CIRCUIT, et al.,

Defendants.

Civ. No. 00-01641 (EGS)

**PLAINTIFF THE FUND FOR ANIMALS' 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 The Fund for Animals ("The Fund") hereby offers the following objections and
responses to Defendants' First Set of Interrogatories to The Fund.

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 Fund'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 Fund's

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.