

PLAINTIFFS' EXHIBIT 16
To Plaintiffs' Motion Under Rule 11
Against Defendants And Their Counsel
Civ. No. 03-2006 (EGS/JMF)

RECEIVED MAR 27 2002

TO: M Binkley, R Brandes, R Dehaven, E Goldentyer, B Kohn
 FROM: S Taylor
 RE: RBBB, CEC, Polk City

DATE: 8/24/00

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 [redacted] is no longer at CEC, he has taken a job with Gary Johnson of California. Gary Jacobson is now the general manager. He said he hopes [redacted] will return again in future, to work at the CEC. [redacted] who was formerly the [redacted] of the Blue Unit has been here since about March '00. [redacted] works with the on-site records. All animals were free-ranging in outdoor yards at the time of my inspection, except for Vance. Because of his ongoing Tb treatment, he is housed on chains in his private barn during the day, and is turned out into his yard after 3 PM until about 8 AM. b6 b6 b6

There are 7.20 Asian elephants there now. Four cows at the CEC that have come off the Blue Unit in the past year. Sophie arrived in November '99. Rebecca came off the Blue Unit 6/10/00, Birka came off the Blue Unit 7/9/00, and Minnie arrived from BU on 7/13/00. The stated reasons were that they were ready to be retired and/or showed signs of old age/arthritis. (Breeding may have been mentioned as a reason for one, but I cant recall for which). I examined all 4 closely and could not find any fresh hook marks, wounds or anything else alarming. Rebecca is thin and lanky, but reportedly has a good appetite and normal behavior. Minnie had obvious lameness in the left front leg and is currently not on any analgesics, because vets felt it was unnecessary for now. Her lameness was reportedly worst while on tour, and has reportedly improved in the last 4 weeks. Her medical records show that she was managed off and on with Banamine for this lameness previously. I spoke with Dr. Bill Lindsey by phone during the inspection, and he told me that he planned to evaluate all of these recent arrival animals soon, with respect to their long-term management. Another cow, Karen, was transferred to the Blue Unit on 6/7/00. She may be the one who has a reputation for being dangerous. Reba has been donated to the Phoenix Zoo, Babe was donated to the Moline Zoo. Dame is still owned by RBBB, but is on breeding loan at Charlie Gray's place. Jacobson stated that there have been no deaths or euthansias at CEC since the death of Benajmin, and the records did not indicate any.

Dr. Lindsey also told me that Congo, the female African elephant at Williston, had gone down, wouldn't get up, and died. He said he didn't do the necropsy (Dr. Ramiro Isaza did), and he didn't know why she died, but didn't think it was Tb. He thought she went down due to her chronic arthritis. This prompted me to ask whether she was on analgesics for her arthritis, and he said he thought she wasn't at the time. I mentioned to Dr. Lindsey that he should be sure to carefully consider the issue of adequate pain relief and pain management in these chronic cases (not just management for survival or maintenance). I also suggested that he consider crafting a company euthanasia policy for this herd of geriatric, and mostly arthritic, elephants, at Williston. He seemed receptive to these suggestions, but I also had the sense that these issues had never really been thought through before. I'd like to suggest that these are concepts that may bear bringing up specifically in any "training" or informal interactions we have with them, as a way to raise awareness. My sense is that they are far more receptive to ideas when presented in such a manner, than when it is raised during an inspection, as a potentially noncompliant item.

PL 04027

I also looked at the leg-bands reportedly used to restrain babies that caused so much controversy at the last inspection. What I saw was a very soft, semi-flat, woven cotton band, about 3-4" wide. Another type of natural rope is then threaded through the loop of this band and then attached to the bar of the stall. This should have a little bit more elasticity to it, than if a chain connected the cotton band around a leg, to the bar. It's hard for me to see how this set up per se would have caused the lesions on the anterior surface of the rear legs, that were described previously. Mr. Jacobson stated that these were the same materials he used previously. He said they used these custom-made bands because they were the softest thing around, and felt they were less prone to cause abrasion than other types of webbing. He said they change them about twice per day.

There were no babies tied up for me to observe, and it was hard for me to visualize everything about this matter that might be relevant. All babies are now older, and the most recent infant (Ozzy, 1 year) is still with his mother, and will remain with her for another year. I only saw these bands dry, so I don't know if they become stiffer when wet. Jacobson said they don't change much when wet, but that they replace them with dry ones, if they get soaked. He showed me another soft round rope that is used to tie babies for the approx. 30-60 minutes during washing and cleaning, to keep the regular bands from getting soaked. He said he thought that sand getting under the fabric of the woven bands was the reason for the lesions inspectors had observed. He continues to disagree vehemently with the assessments made at the previous inspection, and insists that the lesions were insignificant and that there was nothing anyone could have done differently. He also stated that USDA was under the incorrect impression that tying up babies as part of the weaning and separation process was what caused the lesions. He said weaning and separation were already long completed by then, and that weaning/separation procedures had nothing to do with the lesions. But Dr. Lindsey mentioned that they were looking into methods of beginning training of infants while still with the dam, and mentioned that this is done at Dickerson Park. It sounded to me as though it has occurred to them, that it could be an improvement to their system, to leave infants with the mother longer, begin their training while in her presence, and think of acceptance of separation itself as a behavior to be trained through gradual, successive approximation.

It was hard for me to determine or advise Jacobson more on this matter, for the next time that a baby will be tied, because I wasn't actually observing it done. I couldn't find fault with the materials that I saw, and the procedures, as they were described to me. All I could tell him, was that the licensee was required to find a way to handle or restrain animals in way that had the least possible risk of distress or lesions resulting; this could include use of softer other materials, different ways of applying, tying, and maintaining them, and/or different systems of training and shaping behavior, reducing stress, etc. I don't know what else to tell them. If any of you think any other specific things that the agency discussed with them to do or not do, or materials to use/not use, please let me know. Also, I will be grateful if any of you that have further communications with them through committess, special training, etc. can let me know of issues that came up, so I can be sure they will hear the same thing from me that they might have heard from someone else.