

IN THE 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)  
JUDGE: Emmet G. Sullivan

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

Defendants. :

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS'**  
**FIRST SET OF REQUESTS FOR ADMISSION, INTERROGATORIES,**  
**AND REQUESTS FOR DOCUMENTS**

Defendants Feld Entertainment, Inc. ("Feld") and Ringling Bros. and Barnum & Bailey Circus ("Ringling") hereby respond to the First Set of Requests for Admission, Interrogatories, and Requests for Documents served March 30, 2004 by plaintiffs American Society for the Prevention of Cruelty to Animals ("ASPCA"), the Animal Welfare Institute ("AWI"), the Fund for Animals ("FFA"), and Tom Rider.

**GENERAL RESPONSES**

The following general responses are made with respect to plaintiffs' request for admission, document requests, and interrogatories:

1. Defendants are conducting a reasonable search for documents responsive to the document requests as stated herein. Subject to the general and specific objections that follow, such documents will be made available upon request for inspection and copying at the offices of Covington & Burling in Washington, D.C. or at such other place on which the parties may agree, subject to agreement as to payment of duplication costs (including, in the case of computer tapes,

costs for programming, tapes, and processing time, and, in the case of video tapes, costs for tapes and processing time).

2. In providing these responses and documents, defendants do not waive or intend to waive but rather preserve: (a) all objections as to competency, relevance, materiality, authenticity, admissibility, or use of any information or document produced or provided or the subject matter thereof; (b) all rights to object to the use of any responses or documents or the subject matter thereof in any subsequent proceeding including the trial of this or any other action; and (c) all rights to object to any further discovery requests, or to any requests for further responses to these discovery requests, involving or relating to the subject matter of these requests.

3. Defendants' responses to plaintiffs' document requests herein shall not be construed as limiting or waiving defendants' right to use or introduce any document at trial or in any pleading in this case.

4. Defendants expressly reserve their right to seek a protective order before producing any document, information, or tangible item that is not in the public domain and which contains any trade secrets, proprietary or otherwise non-public material, or other confidential, strategic, research, or development information, or that otherwise qualifies for protection under the Federal Rules of Civil Procedure.

5. Defendants make the following responses and objections and any commitment herein to produce documents based on information reasonably available to them at the time, and reserve the right to supplement or amend the responses and objections when and as appropriate.

6. A response that defendants have produced or will produce responsive documents is not a representation that responsive documents exist or are in defendants' possession, custody, or control, but that defendants have produced or will produce responsive documents, if any, retrieved in their search.

7. The definitions set forth in Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals; Defendants' First Set of Document Requests to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals; Defendants' First Set of Interrogatories to Plaintiff Tom Rider; Defendants' First Set of Document Requests to Plaintiff Tom Rider; and Defendants' First Set of Requests for Admission are applicable to, and shall be deemed incorporated in, Defendants' responses herein.

### **GENERAL OBJECTIONS**

The following general objections apply to all of plaintiffs' definitions, instructions, and/or request for admission, document requests, and interrogatories:

1. Defendants object to each document request to the extent that it calls for the production of documents that cannot be located during a reasonable search.
2. Defendants object to requests for documents or objects that are public or are otherwise readily available to plaintiffs.
3. Defendants object to each request for admission, document request, or interrogatory to the extent that it seeks the production of documents or disclosure of information protected by the attorney-client privilege, the work-product doctrine, or any other privilege or protection from disclosure.
4. Defendants object to each request for admission, interrogatory, or document request to the extent that such information is within the categories for protection under Federal Rule of Civil Procedure 26(c), or the production of information or documents subject to protective orders, confidentiality agreements, confidential settlement agreements, and/or statutory provisions that bar the disclosure of those documents or of the information therein without the consent of third parties.

5. Defendants object to each definition, instruction, request for admission, document request, or interrogatory to the extent that it requires or purports to require making a special study, performing calculations, or providing any data or documentary information in a format other than that maintained by defendants in the ordinary course of business.

6. Defendants object to plaintiffs' interrogatories to the extent that they purport to require defendants to provide contact information for individuals that is unknown to defendants. For each individual identified by defendants in response to the interrogatories, defendants will provide such contact information about the person as is known to defendants, but will not provide the person's Social Security number or contact information for the individual's family, on the grounds that such information invades the privacy of individuals not party to this lawsuit.

7. Defendants object generally on grounds of undue burden insofar as plaintiffs' request for admission, document requests, and interrogatories are duplicative, overlapping, or otherwise cumulative of one another.

8. Defendants object to plaintiffs' interrogatories as unduly burdensome and overbroad to the extent that they purport to require defendants to identify every person who may have any degree of knowledge regarding the subject matter of the interrogatories. In responding to the interrogatories, defendants will identify their current and former employees and other individuals who have or may have substantial personal knowledge concerning the subject matter of the interrogatories.

9. Defendants object to the interrogatories to the extent that they can be construed to contain many subparts that collectively exceed the limits on interrogatories in Federal Rule of Civil Procedure 33(a). Defendants will nevertheless answer such interrogatories on the understanding that such a construction of the interrogatories should not be construed as a waiver of the objection.

10. Defendants object to plaintiffs' definition of a so-called "relevant time period" dating back to January 1, 1994, on the grounds that demands for production going back so far are overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

### **OBJECTIONS TO DEFINITIONS**

1. Defendants object to Definition No. 1 ("ankus") on the grounds that the definition goes far beyond the accepted meaning of "ankus" by embracing every "tool or instrument" having a handle with a metal head. The definition is therefore vague, ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendants object to Definition No. 3 ("handler") on the grounds that the definition goes far beyond the accepted meaning of "handler" by embracing persons who do not train, handle, discipline, physically lead, administer medical care to elephants, or present elephants during performances. The definition is therefore vague, ambiguous, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to the characterization of any of the described employees as "handlers."

3. Defendants object to Definition No. 5 ("identify") on the grounds that the definition calls for information, in the form of Social Security numbers, residential addresses, and telephone numbers, that would unreasonably invade the privacy of persons not a party to this litigation.

4. Defendants object to Definition No. 7 ("identify") on the grounds that the definition is overbroad and unduly burdensome in its request for the identity of every person having any knowledge of an act, activity, omission, or event.

5. Defendants object to Definition No. 8 (“identify”) on the grounds that the definition is overbroad and unduly burdensome in its request for the identity of every person who may have participated in, witnessed, or overheard a conversation.

6. Defendants object to Definition No. 11 (“Ringling”) on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome, particularly in its inclusion of all “independent contractors, agents, attorneys, and consultants.”

**SPECIFIC RESPONSES AND ADDITIONAL OBJECTIONS TO  
PLAINTIFFS’ REQUEST FOR ADMISSION**

1. Admit that none of the elephants produced by Ringling at its Center for Elephant Conservation (“CEC”), and elsewhere, have been placed in the wild in Asia.

Response: Defendants object to this request on the grounds that it is vague and ambiguous, particularly in its use of the terms “wild” and “produced.” Defendants further object that this request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and is overbroad and unduly burdensome because it is vague in scope and unbounded in time.

Subject to and without waiving these general and specific objections, defendants admit that no elephant born at the CEC since January 1, 1996, has been released into the Asian wilderness.

**SPECIFIC RESPONSES AND ADDITIONAL OBJECTIONS TO PLAINTIFFS’  
INTERROGATORIES**

1. Identify each person whom Ringling expects to call as a fact witness in any hearing or trial in this action. For each person, provide the subject matter upon which the witness is expected to testify, the basis for such testimony, all documents and records upon which that person may rely for such testimony; describe the discoverable information that each of the persons who are listed on Defendants’ Initial Disclosures under the category “Individuals Likely to Have Discoverable Information” (Fed. R. Civ. P. 26(a)(1)(A)) may have, and identify all records that any such persons may have that in any way relate to such discoverable information.

Response: Defendants object to this interrogatory on the grounds of the General Objections.

As to the first subpart of this interrogatory, defendants further object that this interrogatory is overbroad, unduly burdensome, and premature insofar as it calls for the designation of fact witnesses when discovery in this matter has just started and is ongoing, and also because it seeks the production of documents and information that might disclose the thoughts, impressions, or legal strategies of defendants' counsel. Defendants will designate their fact witnesses and the exhibits upon which they will rely in due course.

As to the second subpart of this interrogatory, defendants object that the response called for by the interrogatory is overbroad, unduly burdensome, and duplicative of the information provided in Defendants' Initial Disclosures. Further, defendants object to this portion of the interrogatory on the ground that they cannot be expected to know, nor are they obligated to determine, the discoverable information that may be possessed by those individuals listed in their disclosures whom they do not currently employ.

Subject to and without waiving these general and specific objections, defendants respond as follows:

- Jeffrey Steele, Gary Jacobson, James Williams, Hugh Patrick Harned, Adam Seidon, Randy Peterson, and Viktoria Voltshek may have discoverable information as to the manner in which defendants care for and train their elephants;
- Gary Jacobson; James Williams; William Lindsay, DVM; Deborah Fahrenbruck; and Allison Case, DVM may have discoverable information as to defendants' care of their elephants and defendants' elephant husbandry practices;
- Gary Jacobson may have discoverable information as to the manner and methods that defendants use to separate juvenile elephants from their mothers;
- William Lindsay, DVM and Allison Case, DVM may have discoverable information as to defendants' program of veterinary care for their elephants;
- Hugh Patrick Harned and Katya Odinsonova Harned may have discoverable information demonstrating that Hugh Harned was caring for the elephant Benjamin on the day that Benjamin died; that Benjamin suffered an apparent

cardiac arrhythmia while swimming during a rest stop on their travels; and that Hugh Harned did not contribute to or cause Benjamin's death;

- Mark Oliver Gebel may have discoverable information that the elephant Kenny was always treated well; that on the day that Kenny died, defendants' veterinarian never insisted that Kenny should avoid going to the last show of the day with the other elephants; and that Kenny was not forced to perform during that show, but rather accompanied his herd mates to avoid disruption to the herd.

Defendants further state that John Kirtland, who was identified in their initial disclosures, recently passed away.

2. State the factual basis for each of the affirmative defenses asserted in defendants' Answer dated October 8, 2003, and identify all records that support each of those defenses.

Response: Defendants object to this interrogatory on the grounds of the General Objections. Defendants object that each subpart to this interrogatory is premature, insofar as discovery in this matter has just started and is ongoing, and that each is overbroad and unduly burdensome with respect to its reference to "all records that support each . . . defense."

Subject to and without waiving these general and specific objections, defendants respond as follows:

- Defendants' first, fourth, seventh, and eighth affirmative defenses — respectively, failure to state a claim on which relief can be granted, the court's lack of subject matter jurisdiction, the inability of plaintiffs to challenge the validity of administrative interpretations of regulations issued by the Department of the Interior, and the court's lack of jurisdiction over plaintiffs' allegations that exceed the scope of the allegations in the right-to-sue letter that plaintiffs reference in their complaint — are legal arguments the basis of which has already been addressed in defendants' motions in this case and/or rely upon pleadings and other documents on file or to be obtained in discovery in this case; thus, no response as to factual basis is required.
- Defendants' second and third affirmative defenses, relating to plaintiffs' standing, are based on plaintiffs' anticipated inability to prove the personal injury and other facts required for standing;
- Defendant's fifth and sixth affirmative defenses, the statute of limitations and laches, are based on the fact that many of plaintiffs' allegations of alleged "tak[ings]" of elephants by defendants under the Endangered Species Act precede by many years the complaint in this action.



3. For each of the former Ringling employees listed on Attachment A, provide the last known (by Ringling) address and phone number for that person, and, if such information is not available, provide the last known (by Ringling) address and phone number of a family member, the last known (by Ringling) address and phone number of the employer of that person, and identify any other individuals who may have such information.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and because, to the extent this interrogatory seeks information about individuals' family members, it infringes on the privacy of non-parties to this suit and seeks information about which defendants have no personal knowledge. Subject to and without waiving these general and specific objections, defendants respond as follows:

Gary Boyle  
267 So. Tamiami Trail  
Nokomis, FL 34275

Karla Corral  
Paseo de Vallescondido #104  
Mexico City D.F. 52937

Joshua Dunlevy  
500 East Beau Street  
Washington, PA 15301  
724-228-0928

Dennis Ferguson  
718 North Harrison Street  
Knoxville, TN 37914  
615-688-3358

Neill Fillhart  
720 Main Street  
P.O. Box 174  
Ulysses, PA 16948

Adam Hill  
P.O. Box 711  
Gibsonton, FL 33534

Note: Surname is "Seidon," not "Hill," in defendants' records.

Richard Houck, DVM  
1182 Brook Road  
Burlington, WI 53105  
262-763-2764

Ted Huddleston  
#9 Strett Avenue  
Covington, KY 41014

Joel Kaplan  
Mr. Kaplan was never an employee of defendants.

Rob Lile  
914 Washington Avenue  
Newport, KY 41071  
859-491-1989

Dave MacFarland  
3866 South Lake Park  
Chicago, IL 60658

Charles Meek  
315 A West 6th Street  
Claremore, OK 74017

John Noonan  
5612 Clydesdale  
Las Vegas, NV 89119  
702-262-1585

Gary Oxidine  
3370 Tara Lane  
Indianapolis, IN 46224

Abel Rivera  
Feld Enterprises, Inc.  
Sarasota, FL

Charles Smith  
4301 Massachusetts Ave., N.W.  
Washington, D.C. 20016  
703-362-8989

Virgil Andrew Weller  
Route 1, Box 144A  
Oronogo, MO 64855

Dave Whaley

Mr. Whaley is a current, not former, employee of defendants.

He has been employed since 02/06/1997 as a Blue Unit animal handler. He formerly was an animal handler for the CEC and Gold Unit.

Theodore White

929 Barnett Way  
Madera, CA 93637

4. For each of the current or former Ringling employees listed on Attachment B, provide the date that person began working for Ringling, provide a history of that person's employment responsibilities with Ringling, and describe the person's current duties and responsibilities at Ringling. If the person is no longer working for Ringling, provide the information requested in Interrogatory No. 3.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, vague and ambiguous in its reference to a "history of [each] person's employment responsibilities," and because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendants also object that, to the extent that this interrogatory seeks information about former employees' family members, it infringes on the privacy of non-parties to this suit and seeks information about which defendants have no personal knowledge. Subject to and without waiving these general and specific objections, defendants respond as follows:

Dave Brown

Former Employee  
220 Hidden Hills Drive  
Hendersonville, NC

Brian Christiani (French)

Former Employee  
Lowry Park Zoo Safari Africa  
1101 West Sligh Avenue  
Tampa, Florida 33604  
813-935-8552

Robert Curry

Former employee.  
No contact information available.

Mark Gautier

Former employee.  
No contact information available.

Mark Oliver Gebel

Date employment commenced: 11/29/1978  
Employment history: Has held current position throughout tenure of his employment  
Current duties and responsibilities: Red Unit performer

David Gorman

Date employment commenced: 12/21/1985  
Employment history: Formerly worked with horses  
Current duties and responsibilities: Blue Unit stage/floats/props

Katerina (Katya) Harned

Date current employment commenced: 12/01/2003  
Employment history: Has held current position since she was hired  
Current duties and responsibilities: Gold Unit performer

Hugh Patrick Harned

Date employment commenced: 08/14/1995  
Employment history: Former operations manager of CEC  
Current duties and responsibilities: Gold Unit senior animal handler/performer

Steve Hart

Former employee  
1737 Golden Gate Avenue #10  
San Francisco, CA 94115

Sara Houcke

Former employee  
Feld Entertainment, Inc.  
Sarasota, FL

Sasha Houcke

Date employment commenced: 11/24/2000  
Employment history: Red Unit performer.  
Current duties and responsibilities: Red Unit performer and director of animal care

John Jamieson

Defendants were unable to locate any information on this individual.

Gary Jacobson

Date employment commenced: 03/08/1994

Employment history: Former elephant handler/trainer at Williston;  
general manager/director of training at CEC

Current duties and responsibilities: General Manager of CEC

William Lindsay

Date employment commenced: 04/02/1998

Employment history: Has held current position since he was hired

Current duties and responsibilities: Director of Veterinary Care

Troy Metzler

Date employment commenced: 11/10/1999

Employment history: Performer on Blue unit

Current duties and responsibilities: Blue Unit elephant superintendent

Geoffrey Pettigrew

Former employee

Lowry Park Zoo Safari Africa

1101 West Sligh Avenue

Tampa, Florida 33604

813-935-8552

Robert Ridley

Date employment commenced: Approximately 1967

Employment History: Blue unit performer and veterinary technician

Current duties and responsibilities: "Fill-in" performer and handler on  
Blue Unit

Carl Ritter

Former employee

32 4th Street

Laurel, MD 20707

Todd Sites

Former employee

12002 1/2 Glen Road

Potomac, MD 20854

301-728-8375

Jeffrey Steele

Date employment commenced: 11/27/1987

Employment history: Formerly Blue Unit assistant performance  
director, Gold Unit, Blue Unit performance director, Blue Unit  
general manager, Kaleidoscope general manager, Blue Unit  
performance director

Current duties and responsibilities: Blue Unit general manager

Alex Vargas

Date employment commenced: 01/28/1988

Employment history: Former operations manager of Kaleidoscope,  
former Red Unit performer

Current duties and responsibilities: Blue Unit superintendent of  
animals

David Wiley

Date employment commenced: 08/18/1996

Employment history: Former Red Unit animal crew

Current duties and responsibilities: Blue Unit floor rigging crew

5. Identify all persons who have been employed by Ringling for any period of time since 1994 who worked with the elephants in any capacity, including, but not limited to, barn men, handlers, trainers, performers, wardrobe personnel, and floor crew, and describe each such person's responsibilities, which elephants (by name) he or she worked with, and the time-frame during which he/she had such responsibilities. Specifically identify all such employees who were hired from Puerto Rico in April or May, 1999.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the grounds that it is vague and ambiguous in its reference to "work[ing] with the elephants in any capacity" and "hired from Puerto Rico." Defendants further object that this interrogatory is overbroad and that it would be extraordinarily burdensome, if not impossible, to respond to this request, as it implicates information regarding hundreds of defendants' employees and further requires efforts to reconstruct which persons "worked with" which of more than 50 elephants "for any period of time since 1994." Defendants also object to the characterization in this interrogatory of some of defendants' employees, such as floor crew or wardrobe personnel, as individuals who "worked with" elephants. Finally, defendants object to the request as it relates to employees "hired from" Puerto Rico on the grounds that it would require defendants' to perform a special study because defendants do not organize employment records according to the national origin of their employees.

Without waiving these objections, defendants provide the following response in regard to persons who, since January 1, 1996, have been engaged to train, handle, discipline, physically lead,

administer medical care to elephants, or present elephants during performances (unless otherwise noted, all previously unidentified individuals are current employees):

- William Bonucci
- Gary Boyle
- Allison Case, DVM
- Brian Christiani (French)
- Pete Cimini, former Blue Unit veterinary technician. Contact information: 226 Possum Hollow Trail, Gerrardstown, WV 25420.
- Karla Corral
- Robert Curry
- Deborah Fahrenbruck
- Neill Fillhart
- David Garcia, CEC handler
- Mark Gautier
- Mark Oliver Gebel
- Samuel Haddock, CEC handler
- Tom Hafner, CEC handler
- Hugh Patrick Harned
- Katerina (Katya) Harned
- Steve Hart
- Michael Hayward, Blue unit performer
- Richard Houck, DVM
- Sara Houcke
- Sasha Houcke
- Gary Jacobson
- Kathy Jacobson, CEC trainer
- Kirk Keef, CEC handler
- Allison Keeley, Veterinary Technician
- Rob Lile
- William Lindsay, DVM
- Henry Lopez, CEC handler
- Dave MacFarland
- Charles Meek
- Troy Metzler
- John Noonan
- Gary Oxidine
- Alex Petrov
- Geoffrey Pettigrew
- Sean Quinn, CEC handler
- Robert Ridley
- Dan Sabatis, former operations manager of CEC. Contact information: 1098 S.E. Clarey Ave., Grants Pass, OR 97526.
- Adam Seidon

- Alex Vargas
- Ellen Weidner, DVM
- Virgil Andrew Weller
- Gary West, DVM, former attending veterinarian. Contact information: 5219 Ashton Audrey, San Antonio, TX 78249, 210-734-7184.
- Dave Whaley
- David Wiley
- Ben Williams, CEC handler
- James Williams, CEC developmental elephant care manager
- Trudy Williams, CEC handler

6. For the years 1994 to the present, provide information concerning Ringling's policies and practices with respect to the use of an ankus, whip, or any other instrument, to train, control, discipline, correct, separate, wean, guide, or perform with elephants, including a description of such policies and practices, the identity of all Ringling employees who own or use an ankus, and the identity of the person(s) who made each such ankus and a detailed description each such ankus, including, but not limited to, the materials from which it is made; identify all records that in any way relate to Ringling's policies or practices with respect to the use of an ankus, whip, or any other instrument, to train, control, discipline, correct, separate, wean, guide, or perform with elephants.

Response: Defendants object to this interrogatory on the grounds of the General Objections.

As to the first subpart, addressing defendants' "policies and practices," defendants further object that the interrogatory is unreasonably cumulative and duplicative, asking twice for the same type of "policies and practices" and for information duplicative of that requested in Interrogatory No. 7. Subject to and without waiving these general and specific objections, defendants incorporate by reference their response to Interrogatory No. 7, *infra*. Defendants further state that their employees are not permitted to use whips with elephants. Defendants state that ankuses used by their employees are designed and maintained so that they will not cause injury to elephants when they are properly used.

As to the second subpart, addressing ownership, use, and qualities of ankuses, defendants object that the interrogatory is overbroad, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is unduly burdensome, particularly in its request that defendants gather information regarding the maker and composition of



every ankus ever used by any of defendants' employees over a ten-year period. Subject to and without waiving this objection, defendants state that they have purchased ankuses from Charlie Gray of the African Lion Safari, RR #1, Cambridge, Ontario, Canada. In addition, subject to Federal Rule of Civil Procedure 33(d), defendants will provide records in their custody dating from January 1, 1996, that concern ankuses.

7. State whether, and under what circumstances, it is a permissible Ringling practice for an employee to hit an elephant with an ankus, whip, or other instrument, to poke or hook an elephant with an ankus, whip, or other instrument, or to lead an elephant by the ear or other part of the body with an ankus or other instrument.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the grounds that it is vague and ambiguous as to "poke" and "hook." Subject to and without waiving these general and specific objections, defendants respond as follows:

Only certain of defendants' qualified employees may use ankuses. Defendants permit those employees to use an ankus as a guide, enabling the employee to have physical contact with the elephant as a means of communicating or reinforcing directions. The ankus also may serve as an extension of the employee's arm in helping to guide the elephant. Defendants' employees who are qualified to use an ankus may use an ankus in directing or guiding elephants as a way to reinforce voice commands, which are the primary means by which defendants' employees communicate with the elephants. Ankuses also may be used in circumstances in which it is difficult for the elephants to hear voice commands. The particular way in which an ankus is used depends upon the circumstances in which it is used. Employees who use ankuses are not permitted to use an ankus intentionally to injure an elephant or with the intent of inflicting pain. Further, as stated in response to Interrogatory No. 6, defendants' employees are not permitted use whips with elephants.

8. For each elephant that Ringling owned or leased from 1994 to the present, provide detailed information about each such animal, including the name of the animal, the circumstances under which Ringling obtained possession of the animal, whether the animal was born in the wild or in captivity, the date of birth of the animal, and whether the animal has died. If the animal has died, provide the date he or she died and the cause of death. If the animal is still alive, provide the current

location of the animal, whether he or she performs with the “Red Unit,” the “Blue Unit,” is at the CEC or the Williston facility, or elsewhere, whether the animal has produced any offspring, and if so, the name of each such offspring, whether and how the elephant is genetically related to other Ringling elephants. Identify all records that in any way relate to the information requested by this Interrogatory.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad and unduly burdensome. Subject to and without waiving these general and specific objections, pursuant to Federal Rule of Civil Procedure 33(d), defendants will produce records for each elephant.

9. For each of the elephants identified in response to Interrogatory No. 8, provide information regarding the Ringling employees who worked with each such elephant, including, but not limited to, identifying the persons who worked with each such animal, the time period of such work, and each such person’s responsibilities with respect to the animal, and identifying all veterinarians who treated or cared for each such animal. Identify all documents and records that in any way relate to the information requested by this Interrogatory.

Response: Defendants object to this interrogatory on the grounds of the General Objections, the objections stated in response to Interrogatory No. 5, and on the further grounds that it is overbroad, unduly burdensome, vague and ambiguous in its reference to “provid[ing] information” and “work[ing] . . . with elephant[s],” seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and would require defendants to perform a special study in order to determine which employees worked with each elephant at any time. Without waiving these objections, defendants respond by referring to the information provided in response to Interrogatories 5 and 8, and documents being produced.

10. Describe Ringling’s policy and practice with respect to weaning or otherwise separating baby elephants from their mothers, and whether elephants who are related by blood are housed together or separately, and identify all records that in any way relate to such policies and practices.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to “policy and practice.”

As to the first subpart, dealing with “weaning or otherwise separating baby elephants from their mothers,” defendants further object that the interrogatory is overbroad in that it is not limited in time. Subject to and without waiving these general and specific objections, defendants state as follows:

The decision of when to separate a young elephant from its mother is based on a variety of individual circumstances, including the elephants’ personalities (both mother and young elephant), the elephants’ health (both mother and young elephant), observation of the elephants, and past experience. In general, young elephants are not separated from their mothers or weaned from their mothers’ milk before the age of 18 to 20 months, though that date varies based on individual circumstances.

Similarly, the process used to separate a young elephant from its mother is dependent on a variety of individual circumstances, and it has changed as defendants have gained more experience, including since 1996. As a generalization, the process of separation can be described as follows:

Prior to separating a young elephant from its mother, the young elephant and its mother are placed in a pen in the middle of the enclosed elephant barn at the CEC. At the time of separation, CEC employees place soft cotton bands around each of the young elephant’s legs. These soft, loosely braided cotton bands are deeply padded and about six inches wide. These bands are specially made for the CEC and are designed to minimize abrasion.

After CEC employees place the cotton bands around each of the young elephant’s legs, the employees tether the young elephant to an adult elephant with which the young elephant is familiar. One person leads the adult elephant and four people, each of whom holds a rope that has been tied to the end of one of the cotton bands placed around the young elephant’s legs, walk along with the young elephant. The young elephant is led from the pen where it had been kept with its

mother to a pen at the other end of the barn, a distance of approximately 50 yards, where the young elephant joins other young elephants. The young elephant is tethered in the pen and the adult elephant is led away. As soon as is feasible, the remaining cotton bands also are removed from the young elephant's legs.

As to the second subpart of the interrogatory, regarding "hous[ing] together" elephants that are "related by blood," defendants object that this subpart is vague and ambiguous in its use of the terms "related by blood" and "housed together," overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waving these general and specific objections, defendants state that which elephants are "housed" together depends on a variety of factors, including but not limited to the facility at which the elephants are located and the compatibility and personality of individual elephants.

11. Identify all records that pertain in any way to Ringling's efforts to breed Asian elephants in captivity, including, but not limited to, records that identify each such effort that has been made since 1994, how that effort was undertaken, when that effort was undertaken, whether artificial insemination or any similar method was used, the result of each such effort, the amount of money spent on each such effort, the outcome of each such effort, the identity of the mothers and resulting calves for each such effort, the complete medical history of the mother involved in each such effort, including both before and after such effort was undertaken, the complete medical history, up to the present, of each of the offspring that was produced as a result of each such effort, and the current age and location of each such mother and offspring of each such effort.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad as to "efforts" to breed elephants and overbroad and extremely burdensome to the extent that it implicates all records regarding the CEC, which was built for the purpose of elephant breeding and conservation. Defendants further object to this interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and information that is duplicative of that sought in Interrogatory No. 8. Subject to and without waving these general and specific objections,

pursuant to Federal Rule of Civil Procedure 33(d), defendants will produce records relating to their breeding program.

12. Describe Ringling's practices and procedures with respect to providing for social interaction among the elephants, and psychological enrichment and daily exercise for the elephants. Identify all records that reflect such practices and procedures.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to "practices and procedures," "providing for social interaction among the elephants," and "psychological enrichment." Subject to and without waiving these general and specific objections, defendants respond as follows:

Defendants' elephants are housed in compatible groups and provided with a wide variety of objects to enhance their enrichment, such as sticks, branches, tree limbs, tires, platforms, plastic traffic cones, sand piles, balls, and an "ultimate elephant toy" that consists of a plastic barrel in which fruit can be placed. They also are provided with playful food items such as fruit embedded in blocks of ice and pumpkins. In the summer, the elephants have access to pools of water in which they can play, and elephants at the CEC and Williston retirement facility can frolic in the spray of water cannons or water guns. In addition, the elephants enjoy standing on the tubs with which they perform, even when they are not performing. The elephants' presentations and animal walks to performance venues also provide them with exercise and stimulation. In addition, close daily interaction with Ringling animal care staff contribute to the elephants' psychological enrichment, as do the changing environments provided by the elephants' travels.

13. Describe Ringling's practices and procedures with respect to the chaining of elephants when they are not actually performing and when they are not on the train, including, but not limited to, when the circus is stationed in one venue for a period of time, and when the elephants are maintained at the CEC or at the Williston facility, and describe the other conditions in which the animals are kept, including, but not limited to, their housing and bedding. Identify all documents and records that reflect or pertain to such practices or procedures.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to "practices and

procedures,” “chaining,” “for a period of time,” and “other conditions in which the animals are kept. . . .” Subject to and without waiving these general and specific objections, defendants respond as follows:

At performance sites, facilities permitting and where legally permissible, compatibly grouped elephants have access to pens and tented areas during the day, within which they are free to walk, socialize, play with bamboo stalks and other items listed in response to Interrogatory No. 12, bathe, or play in the mounds of sand provided by defendants’ animal care staff. In cities in which defendants hold an Animal Open House, these areas are fully visible to the hundreds of thousands of patrons who visit these open houses each year. In general, the animals are not tethered while they are in these pens. At night, elephants are generally tethered to allow defendants to monitor the elephants’ food consumption and waste. While tethered, the elephants are able to stand or lay down and to eat.

At the CEC and Williston elephant retirement facility, elephants are placed outside during the day in compatible groups with a wide variety of objects to enhance their enrichment. The elephants are not tethered while they are in these yards. At night, elephants are generally placed in barns, where they may be tethered to allow defendants to monitor the elephants’ food consumption and waste. While tethered, the elephants are able to stand or lay down and to eat.

Defendants house their elephants in appropriate structures that provide shelter from heat, cold, and the elements. The housing that defendants provide for their elephants meets or exceeds the standards as defined by the regulations promulgated by the U.S. Department of Agriculture that appear at 9 C.F.R. 1 (1-1-95 edition) and conforms with Section 9 of the Field Entertainment Standards and Guidelines for Animal Care and Management.

14. Describe Ringling’s practices and procedures for maintaining the elephants on the train when traveling from one venue to another, including but not limited to whether the animals are chained, how much space each elephant is provided, how the elephants are fed, the bedding provided to the animals, whether and how often the animals are taken off the train for exercise or for other reasons, whether the animals are bathed, and if so, how often and by what means, the longest period of time Ringling permits the elephants to be kept on the train without being taken off the train, and

the average number of weeks each year the elephants are on a train. Identify all records that reflect such practices and procedures.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it vague and ambiguous in its reference to “practices and procedures,” “maintaining the elephants,” and “the average number of weeks each year elephants are on a train.” Subject to and without waiving these general and specific objections, defendants respond as follows:

In transporting elephants, defendants follow standards and guidelines for animal transport set forth in Section 8 of the Feld Entertainment Standards and Guidelines for Animal Care and Management. These guidelines require that the health of each animal be assessed by a licensed veterinarian or veterinary technician prior to that animal being transported. This health assessment is to include an evaluation of the behavioral, feeding, and medical records for each animal to be transported. A licensed veterinarian or veterinary technician also supervises all animal transports. A qualified attendant, experienced in handling elephants, oversees the loading, unloading, and actual transport of the elephants. Further, defendants have in place a plan of transport that includes provisions for emergency contingencies.

As set forth in the Feld Entertainment Standards and Guidelines for Animal Care and Management, elephants are monitored throughout the time they are transported to ensure their health, well being, and physical comfort. They are properly secured in transport vehicles, and food and water is provided to them as appropriate. Defendants comply with all applicable federal, state, and local laws and regulations governing the intrastate and interstate transportation of animals.

Generally, defendants’ elephants travel between North American performances on train cars that are climate-controlled, well-ventilated, and designed to meet the specific needs of elephants. These rail cars have insulated walls for climate and noise control, are ventilated by windows fitted with expanded metal screens and roof vents with electric exhaust fans, and have

drains in the floor. The cars also have high-pressure mister systems and heaters to enhance elephants' comfort during hot and cold weather. Each elephant car has approximately 6,593 cubic feet of space.

Prior to boarding the rail cars, the elephants exercise by walking from the performance arena that they are departing to the rail cars. While on the cars, the elephants are tethered by one forward and one alternate rear leg. They are constantly provided with food and water by animal care staff who travel with the elephants and clean up after them. Elephants are provided with straw and wood shavings while on rail cars, and are generally brushed down. When the elephants are exercised or taken off the train, and for how long, depends on a number of circumstances, including the length of the rail trip, weather conditions, and whether conditions near the train are appropriate for unloading.

15. Identify all records that concern or relate in any way to each of the investigations, cases, and fact-finding matters that are discussed in each of the ten Chapters in the attached report entitled "Government Sanctioned, Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants" (Attachment C), and identify all persons who have information related to any such matter, correlating each such record and each such person to the specific Chapter to which it relates; specifically identify each person who took videotape or photographs of the elephant named Benjamin during July 25-26, 1999 in Texas. The records to be identified in response to this Interrogatory shall include, but not be limited to videotapes, photographs, and copies of documents that were obtained by the USDA by means of a subpoena.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad and unduly burdensome; and that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to the characterization in the title of the so-called "report" at Attachment C and to any implication that it contains information or conclusions that are true, accurate, and/or relevant. Furthermore, as plaintiffs produced the report, it apparently is based on documents or information already possessed by or readily available to plaintiffs, to the extent it is supported at all. Defendants also object that it is improper for plaintiffs to identify their own



argumentative report, which alleges numerous so-called “investigations,” “fact-finding matters,” and “cases,” and then demand information concerning or relating to their report and assertions therein.

16. State whether Ringling uses cauterizing or any other kind of powder or agent, including but not limited to a product known as “Wonder Dust,” to treat injuries or marks on elephants, and, if so, explain under what circumstances Ringling uses such powder or agent, and identify the brand and supplier of all such substances.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad; that it is vague and ambiguous in its reference to “cauterizing,” “any other kind of powder or agent,” and “injuries or marks on elephants”; and that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these general and specific objections, defendants state that they use numerous “agents” as topical treatments for elephant injuries, in addition to cleaning such injuries with gentle soap and water. Topical treatments used by defendants include the following products, the manufacturer for each of which is identified:

- Betadyne Solution: Widely available from various manufacturers.
- Biozide Gel: Performance Products Inc., St. Louis, Missouri 63103; telephone 1-888-890-0659.
- Dermagen Ointment: The Butler Co., 5600 Blazer Parkway, Dublin, Ohio 43017-7545; telephone 1-800-848-5983.
- Horses Prefer Natural Wound Dressing Cream: Vets Plus, Inc., 102 3rd Ave. East, Knapp, WI 54749; telephone 1-800-468-3877.
- Nolvasan Solution: Fort Dodge Animal Health, 800-5th Street, N.W., P.O. Box 518, Fort Dodge, Iowa 50501; telephone 1-800-685-5656.
- Triple antibiotic ointment: Alpharma Inc., One Executive Drive, Fort Lee, N.J. 07024; telephone 1-800-645-4216.
- Veterinus Derma Gel: Maximilian Zenho & Co., Louise Tower, Avenue Louise, 149-24, B-1050 Brussels, Belgium; U.S. telephone number 1-800-838-7524.
- Wonder Dust: Farnam Companies, Inc., 301 West Osborn Road, Phoenix, Arizona 85013-3928; telephone 602-285-1660

17. Describe all Ringling practices and procedures with respect to video, audio, or any other recordings that may concern elephants or personnel who work with elephants, including, for example, whether Ringling videotapes training sessions, rehearsals, breeding, or performances, and whether Ringling uses video or other types of cameras for security or surveillance purposes; and identify all video, audio, or other recordings that have been made by or for Ringling in the last ten years that involve, concern, or record elephants or individuals who work with elephants.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, and vague and ambiguous in its reference to “practices and procedures,” “may concern elephants,” “personnel who work with elephants,” and “that involve, concern, or record elephants or individuals who work with elephants.” Subject to and without waiving these general and specific objections, defendants respond as follows:

Defendants currently operate four cameras in the elephant barn at the CEC. One of these cameras is, at present, trained full-time on the young elephant Riccardo, who was born in December 2003. The other three cameras focus on other elephants in the elephant barn. These cameras provide closed-circuit feeds of the elephants’ activities, which are monitored by defendants’ employees; the cameras do not contain videotape or audiotape.

Defendants’ employees shoot thousands of hours of videotape each year. These tapes are used for a variety of purposes, including to produce video press kits, video programs that are available for sale to the public, and television commercials. Defendants also sometimes videotape the birth of elephants at the CEC.

18. Provide information concerning Ringling’s relationship with USDA personnel, including, but not limited to a description of each meeting, conference, seminar, training session, visit, social gathering, or other function that took place from 1994 to the present, that involved both Ringling personnel and USDA personnel; provide the date(s) for each such event, describe the circumstances and purpose of the event, identify each person who attended the event and where it was held, state the total cost to Ringling to participate in or host the event, identify all records that in any way relate to that event, and provide all of the same information with respect to all such events that are planned for the future.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is overbroad and vague and ambiguous in its references to “Ringling’s relationship with USDA personnel”; “meeting, conference, seminar, training session, visit, social gathering, or other function”; “involved both Ringling personnel and USDA personnel”; “total cost,” and “all records that in any way relate to that event.” Further, because the U.S. Department of Agriculture (“USDA”) closely regulates defendants’ operations under the Animal Welfare Act — a continuous, ongoing process — this interrogatory embraces hundreds of contacts, and thus is vastly overbroad and would be extraordinarily burdensome for defendants to answer.

Subject to and without waiving these general and specific objections, pursuant to Federal Rule of Civil Procedure 33(d), defendants will produce the requested records as to USDA inspections and training sessions involving USDA personnel that have occurred since January 1, 1996. Defendants also state that USDA personnel have participated in the following events since January 1, 1996:

Date: December 1998

Event: USDA Animal and Plant Health Inspection Service (APHIS) tour of CEC and winter quarters

Location: Polk City, Florida (winter quarters)

Attendees: Seven APHIS staffers, including Dr. Ron DeHaven, then acting administrator of APHIS/Animal Care at USDA and Feld employees, Joan Galvin, Jim Williams, and Peggy Williams.

Date: April 22, 1999

Event: USDA APHIS training seminar

Location: Polk City, Florida (CEC)

Attendees: 22 APHIS staffers: Ralph Ayers, Lisa Bellamy, Clem Dussault, Kurt Hammel, Tom James, Rick Kirsten, Scott Price, Karla Wills, Ellen Magid, Sylvia Taylor, Lynn Bourgeois, Greg Gaj, Phil Ledbetter, Nancy Ellifrit, Dane Jones, Rodney Walker, Ray Flynn, Charmain Jordan, Liz Kelpis, John Coakley, Mike Tuck, and Barb Kohn. Also attended by Feld employees, Joan Galvin and William Lindsay, DVM.

Date: August 2000

Event: Blue Unit Mock Inspection and Speech

Location: San Jose, California

Attendees: Dr. Ron DeHaven, a USDA regional inspector (probably Mark Smith), and multiple Feld employees.

Date: March 22, 2002

Event: Backstage tour of Red Unit at the MCI Center by USDA Marketing and Regulatory Programs Undersecretary Bill Hawks

Location: Washington, D.C.

Attendees: Undersecretary Hawks and Todd Willens of Feld.

Date: November 2002

Event: USDA Animal Care transportation preceptors tour on how defendants move their animal performers from site to site

Location: Rosemont, Illinois

Attendees: Dr. Kristin Schmitz of APHIS, an unknown number of APHIS staff, and Feld employee William Lindsay, DVM.

Date: April 9, 2004

Event: Behind-the-scenes tour of the Red Unit for Secretary of Agriculture Ann Veneman

Location: D.C. Armory, Washington, D.C.

Attendees: Dr. Ann Veneman and two of her staff, and Feld employees Cassie Folk, Tom Albert, and Nicole Feld.

### **SPECIFIC RESPONSES AND ADDITIONAL OBJECTIONS TO PLAINTIFFS' DOCUMENT REQUESTS**

1. Produce all documents and records that are identified on defendants' Initial Disclosures under "Categories of Documents That Defendants' [sic] May Use To Support Their Claims or Defenses (Fed. R. Civ. P. 26(1)(B))."

Response: Subject to and without waiving the General Objections, defendants will produce responsive, non-privileged documents.

2. For the time period 1990 to the present, produce all documents and records concerning the education and training that persons were required to have to be hired by Ringling to be an elephant handler, trainer, performer, or veterinarian. Produce all documents and records concerning the training and education that Ringling provides to its elephant handlers, trainers, veterinarians, and performers.

Response: Defendants object to this document request on the grounds of the General Objections and further object that it is overbroad in both scope and time. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged

documents sufficient to show the training that they have provided to their employees since January 1, 1996.

3. Produce all documents and records concerning any disciplinary measures that have been taken by Ringling since 1994 with respect to any employee's treatment of an elephant.

Response: Defendants object to this document request on the grounds of the General Objections and further object that it is overbroad and vague and ambiguous in its reference to "treatment." Customarily, reprimands, corrections, and discipline of employees engaged in animal handling and care occur immediately and on the scene, rather than under a formal disciplinary process involving written charges, hearings, and decisions. Further, it would require defendants to undertake a special study in order to determine what disciplinary actions, if any, specifically related to treatment of elephants are mentioned in any documents, because defendants do not keep their records in that manner.

4. Produce the programs and schedules for the Blue Unit, Red Unit, and Home Town Edition for each of the last ten years.

Response: Defendants object to this document request on the grounds of the General Objections and further object that it is overbroad in both time and scope and vague and ambiguous in its reference to "programs" and "schedules." Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents sufficient to show programs and schedules for the Blue Unit, Red Unit, and Home Town Edition since January 1, 1996.

5. Produce all documents and records that in any way concern or relate to Tom Rider.

Response: Defendants object to this document request on the grounds of the General Objections and further object that it is overbroad because it is without limitation as to time. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996 or later.

6. Produce all records that in any way relate to or concern advertising and public relations for Ringling's circuses, including, but not limited to, the copy for such advertising and

public relations, records that relate to or concern the amount of money spent on such advertising and public relations, planning concerning where and when to disseminate such advertising and public relations efforts, documents that relate to or concern surveys, questionnaires, focus groups, and other efforts to ascertain how to advertize, publicize, or educate the public about the circus, and documents and records that relate to or concern efforts to counter negative publicity generated by animal rights and animal welfare organizations.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7. Produce all records that set forth Ringling's policies or practices with respect to handling, training, controlling, or disciplining elephants.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is vague and ambiguous as to "controlling" or "disciplining." Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

8. With respect to each of the elephants identified in response to Interrogatory No. 8, produce all medical records that pertain to the animal.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is vague and ambiguous as to "medical records that pertain to the animal." Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

9. Produce all records that concern the amount of money that Ringling has spent on the conservation of habitat in the wild for Asian elephants for each year, from 1994 to the present.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is overbroad, vague and ambiguous as to the "wild," unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

10. Produce all records concerning each project that Ringling has undertaken since 1994 to conserve elephant habitat in the wild in Asia.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, vague and ambiguous as to the “wild,” and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

11. Produce all documents and records that in any way reflect the amount of money that (a) Ringling and (b) Sells-Floto bring in each year, including both gross and net amounts, from (I) ticket sales and (ii) concessions, in connection with circus performances that include Asian elephants. Produce all documents and records that in any way relate to how profitable the circus is, how profitable the circus is because it uses and exhibits elephants, and the importance of elephants to the profitability or success of the circus.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, seeks confidential, proprietary information, and seeks documents and records regarding a separate entity, Sells-Floto, that is not a party to this case.

12. Produce all records that in any way relate to or concern allegations or concerns that Ringling has mistreated an elephant in any way, including, but not limited to information received orally or in writing from Ringling employees, contractors, customers, and patrons, state and local humane officers and employees, and other law enforcement personnel, USDA employees, animal welfare and animal rights organizations, and any other source.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is vague and ambiguous as to “relate to” and “mistreat[.]” and that many of the documents plaintiffs seek are equally available to them as to defendants. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

13. Produce all documents and records identified in response to Interrogatory No. 1, and all resumes and curricula vitae that concern each person identified in response to Interrogatory No. 1.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 1. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

14.[misnumbered 8 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 2.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 2.

15.[misnumbered 9 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 6.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 6. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

16.[misnumbered 10 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 8.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 8. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

17.[misnumbered 11 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 9.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 9. Defendants further object to conducting a specific search for personnel who worked with each elephant, because defendants' records are not kept in that manner. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later subject to this and other related requests.



18.[misnumbered 12 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 10.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 10. Subject to and without waiving these general and specific objections, defendants will produce all responsive, non-privileged documents dated January 1, 1996, or later.

19.[misnumbered 13 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 11.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 11. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

20.[misnumbered 14 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 12.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 12. Subject to and without waiving these general and specific objections, defendants will produce all responsive, non-privileged documents dated January 1, 1996, or later.

21.[misnumbered 15 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 13.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 13. Subject to and without waiving these general and specific objections, defendants will produce all responsive, non-privileged documents dated January 1, 1996, or later.

22.[misnumbered 16 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 14.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 14. Subject to and without waiving these general and specific objections, defendants will produce all responsive, non-privileged documents dated January 1, 1996, or later.

23.[misnumbered 17 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 15.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 15.

24.[misnumbered 18 in plaintiffs' requests] Produce representative units of any cauterizing agents that are described in response to Interrogatory No. 16, including, but not limited to a product known as "Wonder Dust."

Response: Defendants object to this document request on the same grounds to which they objected to Interrogatory No. 16 and on the further grounds that it is vague and ambiguous in its reference to "representative units," that it requires defendants to give their personal property to plaintiffs, and that it is unduly burdensome. Subject to and without waiving these objections, defendants state that all the products identified in response to Interrogatory No. 16 are publicly available from the manufacturers of the products, as identified in the interrogatory response, and are equally as available to plaintiffs as defendants.

25.[misnumbered 19 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 17.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 17. Further, defendants have identified more than 1,700 videotapes taken since January 1, 1996, that may include footage of elephants, including many thousands of hours of footage that is not in final form that defendants employees have shot. Review of such tapes to determine whether or not they contain footage of elephants would be an enormous, undue burden. Defendants invite plaintiffs to meet and confer in an effort to narrow the scope of this request and/or devise a means of narrowing the necessary search.

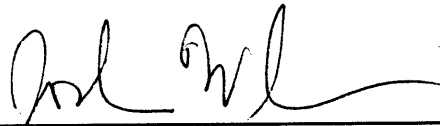
26.[misnumbered 20 in plaintiffs' requests] Produce all documents and records identified in response to Interrogatory No. 18.

Response: Defendants object on the same grounds to which they objected to Interrogatory No. 18. Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

27.[misnumbered 21 in plaintiffs' requests] Produce an ankus used by a) Mark Gabel [sic], and b) Pat Harned the week of March 22, 2004 without altering either of those ankuses in any way.

Response: Defendants object to this document request on the grounds of the General Objections and because this request requires them to give their or their employees' personal property to plaintiffs. Subject to and without waiving these general and specific objections, Defendants will make available such ankuses for inspection at a date, time, and place that is mutually convenient to the parties and that does not interfere with the performance of Mr. Gebel or Mr. Harned's duties.

COVINGTON & BURLING



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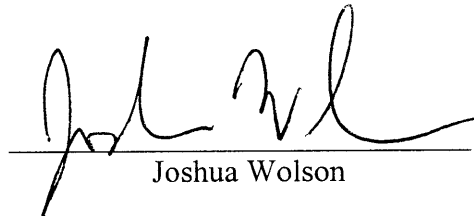
ATTORNEYS FOR DEFENDANTS

June 9, 2004

**CERTIFICATE OF SERVICE**

I, Joshua D. Wolson, certify that I caused a true and correct copy of the foregoing to be served on this 9th day of June, 2004, via facsimile and federal express upon the following:

Katherine A. Meyer  
Eric R. Glitzenstein  
Jonathan Lovvorn  
Kimberly Ockene  
Meyer & Glitzenstein  
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