# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

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Plaintiffs,

v. : Case No. 03-2006 (EGS/JMF)

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FELD ENTERTAINMENT, INC.,

•

Defendant.

perendant.

REPLY IN SUPPORT OF DEFENDANT'S MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS SUBPOENAED FROM MEYER GLITZENSTEIN & CRYSTAL

## **EXHIBIT 9**

#### DECLARATION OF DAVID R. HIRTZ

I, David R. Hirtz, hereby declare, under penalty of perjury under the laws of the United States of America, the following to be true and correct:

- 1. I am over 18 years of age.
- 2. I am the President of David R. Hirtz and Associates, Inc., a State of Illinois licensed private investigative agency and one of my duties is to serve legal process.
- On 2/18/08, at 4:45PM, I attempted to locate Mr. Tom Rider at 406 Taft, Washington, Illinois and I attempted to serve him with a subpoena issued from the United States District Court for the District of Columbia, Case No. 03-2006, ASPCA et al. v. Ringling Bros. and Barnum & Bailey Circus, et al. At that residence, Mr. Rider's daughter told me that he does not reside at that address, and she and a second daughter, who was also present, stated that they did not have a telephone number for him.
- 4. On 2/19/08, between 4:10PM and 4:40PM, I observed the mobile home at 155 Daddono Circle, Bloomington, IL and no vehicles were present at that address. The trailer located at that address had a "No Trespassing" sign in the front window and the trailer appeared to be vacant.
- 5. I have no interest in the above-referenced litigation.
- 6. I was unable to serve Mr. Rider at 406 Taft, Washington, IL because he was not residing at that address.

CRIGINAL

Danis R. Hut 2.20.08 [signature and date]

#### **DECLARATION OF JACK SMITH**

I, Jack Smith, hereby declare, under penalty of perjury under the laws of the United States of America, the following to be true and correct:

- 1. I am over 18 years of age.
- 2. I am the owner of Gainesville Process Service located in Gainesville, Florida.

  On the 14th day of February 2008 between the hours of 9:00 and 10:30 am, I attempted to locate Mr. Tom Rider at 10530 SE 201st Street, 14035 W. River Road and 14219 W. River Road in Inglis, Florida and attempted to serve him with a subpoena issued from the United States District Court for the District of Columbia, Case No. 03-2006, ASPCA et al. v. Ringling Bros. and Barnum & Bailey Circus, et al.
- 4. I have no interest in the above-referenced litigation.
- 5. I was unable to serve Mr. Rider at any of the aforementioned addresses because he had left to "go on the road with the circus" the first week of January 2008 as stated by several unidentified contacts who allegedly knew Mr. Rider.

Signed, 02/22/2008

### DECLARATION OF STANLEY C. LOS

I Stanley C. Los, hereby declare, under penalty of perjury under the laws of the United States of America, the following to be true and correct:

- 1. I am over 18 years of age.
- 2. I am employed by Summit research Group, Inc., Hampton, VA, as President and an Investigator.
- 3. On 2/29/08, 3/1/08, and 3/2/08, I attempted to locate Mr. Tom Rider at the Hampton Coliseum, 1000 Coliseum Dr., Hampton, VA 23666, and attempted to serve him with a subpoena issued from the United States District Court for the District of Columbia, Case No. 03-2006, ASPCA et al. v. Ringling Bros. and Barnum & Bailey Circus, et al. Parking lots of 12 hotels/motels around the area of Hampton Coliseum were checked on 2/29/08, and 3/1/08, for Rider's vehicle with negative results. On 2/29/08, 3/1/08, and 3/2/08, calls were placed to 20 hotels/motels in the Hampton area to determine if Rider was registered, again with negative results.
  - 4. I have no interest in the above-referenced litigation.
- 5. I was unable to serve Mr. Rider at Hampton, VA, because I was unable to locate him.

Signed,

60079766.1

DECLARATION OF TERRY CARNEY

I, TERRY CARNEY, hereby declare, under penalty of perjury under the laws of

the United States of America, the following to be true and correct:

1. I am over 18 years of age.

2. I am employed by TERRY CARNEY INC as a Process Server/President.

3. On February, 15, 16, 18, 2008, beginning from 7:45 a.m., to 7 p.m., I attempted to

locate Mr. Tom Rider at thirty five Richmond, VA. area motels and at the Richmond Coliseum,

where the Blue Unit of the Ringling Brothers Circus was performing and attempted to serve him

with a subpoena issued from the United States District Court for the District of Columbia, Case

No. 03-2006, ASPCA et al. v. Ringling Bros. and Barnum & Bailey Circus, et al.

4. I have no interest in the above-referenced litigation.

5. I was unable to serve Mr. Rider at any of the thirty five motels or at the Richmond

Coliseum because he was not residing at the motels and could not be located at the Richmond

Coliseum.

Signed,

Date 2/21/08

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60079766.1

#### DECLARATION OF STEPHEN BOJEKIAN

- I, Stephen Bojekian, hereby declare, under penalty of perjury under the laws of the United States of America, the following to be true and correct:
- 1. I am over 18 years of age,
- 2. I am the Principal Operating Manager of Analytical Consulting Associates, LLC, a Licensed Private Detective Agency headquartered in Franklin Lakes, New Jersey. My duties include serving legal process.
- 3. On Monday, March 3<sup>rd</sup>, 2008 and Tuesday, March 4<sup>th</sup>, 2008, I attempted to locate Mr. Tom Rider for the purpose of serving him with a United States District Court subpoena supplied to me by agents of Fulbright and Jaworski LLP of Washington D.C. via express mail service on Friday February 29<sup>th</sup>. 2008. Fifteen hotel / motel locations in and around the vicinity of the New Jersey Meadowlands Sports and Exposition Authority complex in East Rutherford, New Jersey were physically checked to determine if Mr. Rider was a registered guest at those locations. A physical search of the parking facilities of the hotels / motels as well as the adjacent areas surrounding the venue site of the scheduled appearance of the Ringling Brothers Circus were also conducted on both Monday March 3<sup>rd</sup> and Tuesday March 4<sup>th</sup> for Mr. Rider's motor vehicle with negative results. On Tuesday March 4<sup>th</sup>, 2008, a surveillance was conducted along the parade route of the "animal walk" through the towns of Woodridge, Carlstadt, Moonachie and East Rutherford, New Jersey also with negative results.
- 4. I have no interest in the above-referenced litigation.

5. I was unable to serve Mr. Rider in New Jersey, because I was unable to locate him.

Signed,