

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

vs.

RINGLING BROTHERS AND BARNUM  
& BAILEY CIRCUS, et al.,

Defendants.

Docket No. CA-03-2006

Washington, D.C.

Thursday, June 10, 2004

10:30 a.m.

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TRANSCRIPT OF A HEARING  
BEFORE THE HONORABLE EMMET G. SULLIVAN  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiffs:

KATHERINE A. MEYER, Esquire  
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For Defendants:

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1 that have taken place, including during the mediation session  
2 while the matter was on appeal, that there would be no way of  
3 settling the case and still using elephants in the circus under  
4 the viewpoint that plaintiffs have in the case. That just  
5 makes it, from our standpoint, a case that cannot settle.

6 THE COURT: Any response?

7 MS. MEYER: Well, without disclosing what occurred  
8 during the mediation process, Your Honor --

9 THE COURT: And please don't. I don't need to know.

10 MS. MEYER: Yes. I would just say that the  
11 plaintiffs have always maintained that if the defendants would  
12 cease engaging in the practices the plaintiffs allege violate  
13 the Endangered Species Act, which is beating of the elephants  
14 with bull hooks, the constant chaining of the elephants, and  
15 the forceable removal of baby elephants from their mothers,  
16 that plaintiffs would be willing to settle the case on some  
17 basis.

18 And that seems to be sort of where the problem lies.  
19 Because, again, Your Honor, the defendants maintain that they  
20 do not -- either they do not engage in those actions or that  
21 those actions do not constitute violations of the Endangered  
22 Species Act.

23 THE COURT: Why do the defendants continue to use  
24 elephants? And the reason why I ask that is that not too long  
25 ago I took my grandchildren to a circus and the whole circus