

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	Civ. No. 00-01641 (EGS)
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROS. AND BARNUM)	
& BAILEY CIRCUIT, <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 responses given herein shall not be construed to waive or preclude any objections it may later assert.

2. AWI objects to each Definition and Instruction and each Interrogatory to the extent that they are vague, ambiguous, overly broad, unduly burdensome, or seek irrelevant information.

3. AWI objects to each Definition and Instruction and each Interrogatory to the extent that it seeks to impose obligations on AWI beyond the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

4. AWI objects to each Definition and Instruction and each Interrogatory to the extent that it seeks information protected against disclosure by the attorney-client privilege, the work-product doctrine, or any other privilege, immunity, doctrine, or rule of confidentiality. AWI further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate the privacy or other rights of individuals.

5. In responding to these Interrogatories, AWI does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, AWI does not concede by responding that the information sought or produced is relevant to the subject matter of this action or is calculated to lead to the discovery of admissible evidence. AWI expressly reserves the right to object to further discovery into the subject matter of these Interrogatories and the right to object to the introduction into evidence of any of the information provided in response to the Interrogatories.

6. AWI reserves the right to amend or supplement its responses and objections to the Interrogatories if additional or different responsive information is discovered during discovery or otherwise hereafter.

7. Although AWI has exercised due diligence in responding to the Interrogatories, without waiving the foregoing objections or the specific objections set forth in the responses to particular interrogatories, there may be instances in which AWI used an incorrect name or other identifying information with respect to identifying individuals or animals involved in a particular incident that occurred, or it used an incorrect date to describe a particular incident that occurred.

SPECIFIC OBJECTIONS TO DEFINITIONS

1. AWI objects to the definition of “describe” to the extent it seeks to impose discovery obligations exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information.

2. AWI objects to the definition of “identify” to the extent it seeks to impose discovery obligations on AWI exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information. In particular, where a business address is available for an individual identified, AWI objects to the instruction to provide a home address on the grounds that it invades personal privacy rights and seeks overly broad and irrelevant information.

RESPONSES AND SPECIFIC OBJECTIONS

AWI incorporates herein by reference its Definitions and General Objections with respect to each Interrogatory to which those objections apply, as though fully set forth therein, and no specific objection or response is intended or shall be construed to waive any of those objections. Subject to and without waiving those objections, AWI answers defendants' Interrogatories as follows:

Interrogatory No. 1:

Identify each and every person you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.

Objection and Response to Interrogatory No. 1:

Subject to and without waiving the general objections to these Interrogatories, AWI states that, with one exception, the plaintiffs have not yet determined which persons they expect to call as witnesses in this case. The one exception is that plaintiffs expect to call Tom Rider as a witness in this case. He will testify about the mistreatment of elephants that he witnessed while he worked at Ringling Brothers, and the mistreatment he has observed since he left Ringling Brothers. More specific information about the substance of his testimony is provided in Mr. Rider's answers to Defendants' First Set of Interrogatories directed at Mr. Rider, Nos. 9, 11, 12, 14, 17, 18, and 19, and those answers are hereby incorporated by reference.

Interrogatory No. 2:

Identify each person within your organization who has any responsibility for, or authority over, your policy regarding the presentation of elephants in circuses.

Objection and Response to Interrogatory No. 2:

AWI objects to this Interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving this or the general objections, AWI states that it has no official “policy” regarding the presentation of elephants in circuses. Cathy Liss, President of AWI, in consultation with Cynthia Wilson, Chair of AWI’s Board of Directors, would have authority over any such policy. Both can be reached through AWI, 1007 Queen Street, Alexandria, Virginia, 22314, (703) 836-4300.

Interrogatory No. 3:

Identify each person within your organization who had any decision-making responsibility regarding whether to file this lawsuit.

Objection and Response to Interrogatory No. 3:

AWI objects to this Interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving this or the general objections, AWI states that Cathy Liss, then Executive Director of AWI, in consultation with Christine Stevens, then President of AWI, made the decision to join this lawsuit. Cathy Liss’s business address is AWI, 1007 Queen Street, Alexandria, Virginia, 22314, (703) 836-4300. Ms. Stevens is deceased.

Interrogatory No. 4:

Identify each of your employees or volunteers who has any training or experience in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience.

Objection and Response to Interrogatory No. 4:

AWI objects to this Interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving these or the general objections, AWI states that none of its employees or volunteers has had training or experience in the treatment of Asian elephants.

Interrogatory No. 5:

Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

Objection and Response to Interrogatory No. 5:

AWI objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Plaintiff Tom Rider saw mistreatment of elephants almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. This included, but was not limited to, handlers and trainers hitting elephants with bull hooks and other instruments, beating elephants, and keeping the elephants chained for long periods of time, both on and off the train. These incidents are too numerous to describe in detail. In addition, AWI alleges that this kind of mistreatment occurs routinely at Ringling Bros., and for that reason also, the incidents of harm are too numerous to list.

Subject to and without waiving the foregoing or general objections to these Interrogatories, AWI provides a list of incidents responsive to this Interrogatory below.

June 4, 1997, Austin, TX. Mr. Rider saw Ringling handlers use a bull hook to poke and stab elephants.

June 12-15, 1997, Lubbock, TX. Mr. Rider saw handlers hook elephants, and use the bull hook in an abusive way to make the elephants raise their legs.

June 19-22, 1997, Little Rock, ARK. Mr. Rider saw Ringling handlers doing a lot of hooking and hitting elephants with bull hooks. In Little Rock, the elephants were taken off the train, put into a building, and chained the entire time, except when they were either performing or rehearsing.

June 24-25, 1997, Tulsa, OK. Mr. Rider saw elephants hit and hooked with bull hooks.

June 27-29, 1997, Oklahoma City, OK. Mr. Rider observed handlers hooking, poking, and stabbing elephants with bull hooks. Whenever the handlers came in to clean the elephants, they hooked and hit the animals.

July 3-6, 1997, Memphis, TN. Mr. Rider saw elephants get panicky because fireworks were going off, and the handlers reacted by hitting the elephants with bull hooks in an effort to make them settle down.

July 8-9, 1997, Tupelo, Miss. Mr. Rider saw Graham Chipperfield use a bull hook on the elephant Karen – he hooked her under her leg so hard he almost tripped her; other handlers were hooking and poking and stabbing the elephants.

July 11, 1997, Jacksonville, MS. Mr. Rider witnessed handlers Jeff Pettigrew, Franko, Sonny, and others, hooking and hitting elephants with bull hooks.

July 15-27, 1997, Houston, TX. Mr. Rider witnessed the elephants kept chained in a row for most of the time; the only time they were taken outside was to get water.

July 30-August 10, 1997, Dallas, TX. Mr. Rider witnessed handlers hit, stab and poke elephants with bull hooks.

August 15-17, 1997, Ft. Worth, TX. Mr. Rider witnessed the elephants kept inside the building the whole time, with no exercise, chained up. Every time the handlers came in to clean up the elephants, they hooked and hit the elephants with bull hooks.

August 21-24, 1997, New Orleans, LA. Mr. Rider witnessed the elephants kept inside the Superdome the entire time, and he witnessed a lot of hitting and stabbing of the elephants with bull hooks.

August 29-31, 1997, Wichita, KS. Mr. Rider witnessed the elephants kept inside the coliseum the entire time, and whenever the handlers laid the elephants down, they hit them with bull hooks.

Sept. 9-12, 1997, Milwaukee, WI. Mr. Rider witnessed the elephants being hooked and hit with bull hooks. When the handlers came in to clean up the elephants, they would hook and hit the animals with bull hooks.

Sept. 12-14, 1997, Moline, IL. Mr. Rider saw the elephants chained up all day long, except when they were rehearsing or performing. He also saw handlers hook and hit the elephants with bull hooks every day.

Sept 17-21, 1997, Kansas City, MO. Mr. Rider observed that the elephants were kept inside the building, with no exercise, chained the entire time except when they were performing or rehearsing, and they were hooked and hit repeatedly.

Sept. 24-28, 1997, Indianapolis, IN. Mr. Rider witnessed the elephants chained the entire time, except when they went into the arena or to do a show, and he saw handlers hook and hit the elephants whenever they cleaned them.

Oct. 1-5, 1997, Detroit, MI. Mr. Rider saw Jeff Pettigrew hook and hit elephants.

Oct. 8-19, 1997 Boston, MA. Mr. Rider observed that the elephants were inside the entire time and did not get any exercise, they were constantly chained, and poked and hit with bull hooks.

Oct. 22-26, 1997, Pittsburgh, PA. Mr. Rider saw Alex Vargas hit the elephants, and the elephants were screaming.

Oct. 29- Nov. 2, 1997, Buffalo, NY. Mr. Rider saw handlers hook and hit elephants constantly, when the elephants were being taken on and off the train.

Nov. 5-9, 1997, St. Louis, MO. Mr. Rider saw the elephants hooked and hit when they were being cleaned.

Winter Quarters, 1997, Tampa, FL. Mr. Rider witnessed elephants hit with bull hooks during rehearsals.

Jan. 15-18, 1998, Orlando, FL. Mr. Rider saw Randy Peterson hit elephants with bull hooks.

Jan. 21-25, 1998, Birmingham, AL. Mr. Rider saw elephants hooked and hit with bull hooks.

Jan. 28- Feb. 1, 1998, Asheville, NC. Mr. Rider witnessed handlers hit elephants with bull hooks as they got off the train and as they walked in the snow, to make the elephants walk faster.

Feb. 3-8, 1998, Knoxville, TN. Mr. Rider observed handlers hook and hit elephants.

Feb 11-15, 1998, Greensboro, NC. Mr. Rider observed Randy Peterson hit and hook elephants with bull hooks.

Feb 18-22, 1998, Richmond, VA. Mr. Rider witnessed Andy Weller and Jeff Pettigrew beat the elephants Zina and Rebecca severely; when they were done beating the elephants, Mr. Rider had to use "wonder dust" to cover up about 30 hook wounds on Zina, and 20 wounds on Rebecca.

Feb. 25 - March 1, 1998, Knoxville, VA. Mr. Rider witnessed that the elephants were inside the entire time, on chains, except when they were performing or rehearsing.

March 10-15, 1998, East Rutherford, NJ. Mr. Rider witnessed that the elephants were inside the entire time, chained; he saw Randy Peterson beat the elephants Minnie and Kamala with a bull hook.

March 17-23, 1998, Uniondale, NY. Mr. Rider saw handlers hit and hook elephants with bull hooks.

March 27-April 13, 1998, New York City, NY. On the 5th floor of Madison Square Garden, Mr. Rider witnessed that the elephants were chained up all day long, except when they were rehearsing or performing. He also saw the elephants hooked, hit, and smacked around by handlers.

April 15-26, 1998, Philadelphia, PA. Mr. Rider witnessed Adam Hill hit and hook elephants with a bull hook.

April 29- May 29, 1998, Providence, RI. Mr. Rider witnessed that the elephants were inside, chained most of the time, and got no exercise. He saw them hooked when they were brought off the train, and hooked and hit when they were being cleaned.

May 5-6, 1998, Springfield, MA. Mr. Rider saw handlers constantly hit and hook the elephants with bull hooks, and the elephants were chained most of the time.

May 8-10, 1998, Worcester, MA. Mr. Rider observed that the elephants were inside and chained most of the time, and the handlers hooked and hit the elephants.

May 12-13, 1998, New Haven, CT. Mr. Rider saw Pat Harned beat the baby elephant Benjamin because he was playing with another baby named Shirley. He also saw Harned beat the elephant Karen, when she rattled her chain; Harned beat her for 23 minutes.

May 15-17, 1998, Hartford, CT. Mr. Rider witnessed handlers poke and hit elephant with bull hooks; he saw the baby elephants Benjamin and Shirley hit with bull hooks.

May 23-25, 1998, Hershey, PA. Mr. Rider saw handlers hit elephants with bull hooks.

May 28-31, 1998, Albany, NY. Mr. Rider saw handlers hook and hit elephants with bull hooks.

June 2-3, 1998, Syracuse, NY. Mr. Rider saw the elephants hit and hooked with bull hooks by handlers.

June 5-7, 1998, Rochester, NY. Mr. Rider witnessed handlers hit elephants with bull hooks.

June 11-14, 1998, Washington, KY. Mr. Rider saw handlers hook and hit elephants with bull hooks on the walk going to and from the train, and when the elephants were being cleaning up at night.

June 18-21, 1998, Lubbock, TX. Mr. Rider saw Tony Rodriguez and Randy Peterson hit elephants with bull hooks.

July 1-15, 1998, Phoenix, AZ. Mr. Rider saw elephants hit and hooked by handlers.

July 8 -12, 1998, Fresno, CA. Mr. Rider saw lots of hitting and hooking of the elephants on and off the train.

July 22-26, 1998, Los Angeles, CA. Mr. Rider witnessed handlers hitting elephants on the 3.5 mile walk from the train, and after the elephants arrived at the arena.

July 28 - Aug. 4, 1998, Anaheim, CA. Mr. Rider saw Pat Harned and Randy Peterson hit the elephant Lechme with a bull hook.

Aug. 6-9, 1998, Englewood, CA. Mr. Rider observed handlers hooking and hitting elephants during the walk, and during the warm up before the show; he saw handlers hit the elephants with bull hooks behind their legs to make them go faster.

Aug. 12-16, 1998, San Diego, CA. Mr. Rider saw handlers hook and hit elephants on and off the train.

Aug. 25-30, 1998, San Jose, CA. Mr. Rider witnessed elephants struck with bull hooks behind their ears.

Sept. 2-7, 1998, San Francisco, CA. Mr. Rider saw Adam Hill smack an elephant on the trunk, and Robby Costillo stab elephants under their chins to make them raise their trunks up.

Sept. 9-13, 1998, Sacramento, CA. Mr. Rider saw handlers hit elephants when they got off the train and during the long walk to the arena.

Sept. 17-20, 1998, Seattle, WA. Mr. Rider saw the elephants chained constantly in a small room, and he saw handlers hit and hook them with bull hooks.

Sept. 22-23, 1998, Spokane, WA. Mr. Rider saw handlers hook and hit elephants on the train and when they went into the show warm up before the show.

Sept. 25-27, 1998, Portland, OR. Mr. Rider witnessed handlers hook and hit the elephants constantly on the train, and during warm up.

Sept. 30 - Oct. 4, 1998, Salt Lake City, UT. Mr. Rider saw handlers hit the elephants with bull hooks.

Oct. 7 - 18, 1998, Denver, CO. Mr. Rider witnessed elephants hooked and hit with bull hooks.

Oct. 23 - Nov. 1, 1998, Cleveland, OH. Mr. Rider witnessed handlers hook and hit elephants with bull hooks on and off the train.

Nov. 4-15, 1998, Rosemont, IL. Mr. Rider observed Randy Peterson beat the elephant Nicole.

Nov. 17-29, 1998, Chicago, IL. Mr. Rider saw handlers hook and hit elephants with bull hooks.

Dec. 3-6, 1998, Huntsville, AL. Mr. Rider observed handlers hooking and hitting elephants, when they were coming off the train. He saw Adam Hill hit the elephants Karen and Sophie with a bull hook.

Winter Quarters, 1998, Tampa, FL. Mr. Rider saw the elephants chained the majority of the time, even though this is the only time during the year when they are not on the road performing.

Dec. 26, 1998 - Jan 3, 1999, Miami, FL. Mr. Rider witnessed handlers hooking and hitting elephants to get them into the arena. He saw a handler named Scott hit elephants with a bull hook.

Jan. 7-10, 1999, Sunrise, FL. Mr. Rider witnessed daily hooking and hitting of elephants.

Jan 14-18, 1999, Jacksonville, FL. Mr. Rider saw elephants hit with bull hooks.

Jan. 21-24, 1999, North Charleston, SC. Mr. Rider witnessed handlers hooking and hitting elephants with bull hooks repeatedly.

Jan. 28-31, 1999, Macomb, GA. Mr. Rider saw elephants hit with bull hooks every day; if they did not do something right, they got hooked and hit.

Feb. 2-3, 1999, Augusta, GA. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 5-7, 1999, Columbia, SC. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 10-14, 1999, Raleigh, NC. Mr. Rider witnessed handlers hit and hook the elephants with bull hooks.

Feb. 17-21, 1999, Charlotte, NC. Mr. Rider saw handlers hit the elephants with bull hooks when they were getting the animals off the train and during the walk.

Feb. 25-28, 1999, Fayetteville, NC. Mr. Rider saw the elephants hooked and hit repeatedly by handlers.

March 3-7, 1999, Cincinnati, OH. Mr. Rider saw the elephants hit with bull hooks as they got off the train, and as they were walked down and put in tents; Mr. Rider saw Randy Peterson hit the elephant Nicole on the head with a bull hook.

March 10-21, 1999, Baltimore, MD. Mr. Rider witnessed the elephants hit with bull hooks.

March 24-28, 1999, Washington, DC. Mr. Rider observed handlers hook and hit elephants inside the arena, and he saw Pat Harned beat the baby elephant Benjamin.

April 16-18, 1999, Landover, MD. Mr. Rider saw handlers hit elephants with bull hooks.

April 22-25, 1999, Charleston, WV. Mr. Rider witnessed handlers hook elephants as they took them off the train; he also saw handlers hit elephants with bull hooks inside the arena, and when the elephants went into the show, and he saw handlers beat the elephants with bull hooks behind their legs.

April, 1999, Chattanooga, TN. Mr. Rider witnessed handlers beat elephants named Sophie and Karen; and he also saw a severe beating of the elephant Nicole.

May 5-8, 1999, Tulsa, OK. Mr. Rider observed handlers hooking elephants as they took them off the train, on the walk, and when they got to the arena.

May 12-16, 1999, San Antonio, TX. Mr. Rider saw Adam Hill beat the elephants with bull hooks.

May 26-30, 1999, Ft. Wayne, IN. Mr. Rider saw elephants hooked and hit on the walk; it was raining, and the handlers were smacking the elephants to make them go faster.

June 2-6, 1999, Columbus, OH. Mr. Rider again saw handlers hook and hit elephants on the train, before the animals went into the show, and whenever the animals did not do something right.

June 9-13, 1999, Toledo, OH. Mr. Rider saw handlers hook and hit elephants on the train, and when the animals were being taken off the train.

June 23-27, 1999, Ottawa, Ontario, Canada. Mr. Rider saw Adam Hill, Pat Harned, and Randy Peterson beat the elephants with bull hooks, to get them back in the pen.

July 2-11, 1999, Toronto, Ontario, Canada. Mr. Rider saw elephants hit with bull hooks.

July 16-25, 1999, Houston, TX. Mr. Rider saw Pat Harned hit Benjamin with a bull hook, and he saw handlers hit and hook the other elephants as well.

Aug. 11-15, 1999, Ft. Worth, TX. Mr. Rider witnessed handlers hook and hit elephants with bull hooks.

Aug. 18-22, 1999, Colorado Spring, CO. Mr. Rider saw handlers hit elephants with bull hooks.

Aug, 26-29, 1999, Wichita, KS. Mr. Rider witnessed handlers hitting elephants with bull hooks.

Sept. 2-5, 1999, Moline, IL. Mr. Rider saw elephants hooked and hit constantly, on the train and before the show.

Sept.8 -27, 1999, Kansas City, MO. Mr. Rider saw repeated hooking and hitting of elephants with bull hooks.

Sept. 15-19, 1999, Indianapolis, IN. Mr. Rider saw elephants hit and hooked with bull hooks.

Sept. 22-25, 1999, Grand Rapids, MI. Mr. Rider saw elephants hooked and hit with bull hooks; he saw Randy Peterson beating elephants.

Sept. 30-Oct. 3, 1999, Buffalo, NY. Mr. Rider saw lots of hooking and hitting of elephants.

Oct. 7-10, 1999, Detroit, MI. Mr. Rider witnessed hooking and hitting of the elephants.

Oct. 15-24, 1999, Boston, MA. Mr. Rider observed a handler named James, who came up from the Ringling breeding farm in Florida, hit an elephant with a bull hook. There were five baby elephants there, and Mr. Rider saw Gary Jacobson and Dave Whaley hitting and hooking the baby elephants.

Oct. 27-31, 1999, Pittsburgh, PA. Mr. Rider again saw handlers hit and hook elephants with bull hooks.

Additional incidents when Ringling employees harmed one or more of their elephants are recorded on videotapes that plaintiffs are producing in response to the defendants' document production requests. These incidents were observed by several people, including one or more of the following videographers:

Deniz Bolbol

P.O. Box 5656
Redwood City, CA 94063
650-654-9955

Kindall Cross	WTAE-TV 400 Ardmore Blvd. Pittsburgh, PA 15221 412-242-4300
Joseph Patrick Cuvillo	P.O. Box 2834 Redwood City, CA 94064 650-369-5533
Tracey DeMartini	245-M Mt. Hermon Rd. #276 Scotts Valley, CA 95066 510-601-1807
Pat Derby	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809
Chris Green	Defenders of Animal Rights in Tulsa 7107 S. Yale Ave. Tulsa, OK 74136
Barbara Grove	650-430-0989
Alfredo Kuba	500 W. Middlefield Rd, #178 Mountain View, CA 94043 650-965-8705
Tom Rider	c/o 706 Taft Washington, IL 61571 309-444-3782
Ed Stewart	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809

Those incidents include the following:

Cow Palace Daly City, CA 2000	Troy Metzler hit elephants with bull hooks; Dave Whaley hooked elephants with a bull hook, hit elephants on their legs; Dave Whaley used a leatherman/knife to clip an elephant on the elephant's side; Elephants were chained most of the time
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San Jose, CA 2000	Handlers hit elephants, including babies, with bull hooks under their chins; Brian Christiani jabbed elephants with a bull hook
Tulsa, OK Jan. 5, 2001	“Sonny” hooked an elephant; Sara Houcke jabbed an elephant with a bull hook;
San Jose, CA 2001	Handlers hit elephants with bull hooks
Daly City, CA Aug./ Sept. 2001	Handlers, including Rick Bogar, hit elephants with bull hooks; Mark Gebel used a bull hook on elephants
Pittsburgh, PA Nov. 1, 2001	Handlers Troy Metzler and Sonny hit elephants with bull hooks
Tulsa, OK 2000	Robert Ridely (“Sonny”) got a bull hook stuck in an elephant’s mouth
Oakland, CA Aug. 18, 2002	Troy Metzler hit elephants with bull hooks; The baby elephant named Doc was chained and exhibiting stereotypic behavior
Daly City, CA Aug. 25, 2002	Jeff Pettigrew stuck a bull hook in an elephant’s mouth and twisted it
San Jose Aug. 25, 2002	Troy Metzler used a bull hook in the mouth of an elephant; and hooked the baby elephant named Doc
Oakland, CA 2000	Sonny and Brian Christiani hit elephants with bull hooks
San Jose, CA August 21, 2002	Jeff Pettigrew jabbed elephants with a bull hook
September 3, 2002	Troy Metzler hit elephants with a bull hook, and grabbed the trunk of an elephant with a bull hook

Daly City, CA Aug. 26, 2002	A handler hit the baby elephant Angelica under the chin with a bull hook
San Jose, CA Aug. 24, 2004	A handler jabbed an elephant's foot with a bull hook; a handler grabbed an elephant with a bull hook
San Jose, CA 2001	Handlers jabbed and hit elephants with bull hooks
Daly City, CA 2001	Rick Bogar hit an elephant with a bull hook
Sacramento, CA 1999	Roy Wells jabbed an elephant with a bull hook
Daly City, CA 1999	A handler hooked an elephant on the ear
San Jose, CA 1998	Sonny jabbed an elephant with a bull hook
Atlanta, GA Feb. 21, 2002	Handlers grabbing elephants behind ears with bull hooks
Daly City, CA 2001	Bogar used a bull hook on an elephant
San Jose, CA Aug. 25, 2002	Handlers hooked elephants in their mouths
Sacramento, CA Sept., 2002	A handler hooked a baby elephant on the elephant's trunk and jabbed it under the elephant's chin
Oakland, CA Aug. 21, 2003	Handlers used bull hooks on elephants; a handler stepped on the trunk of an elephant and hit an elephant with a bull hook
San Jose, CA Sept. 5, 2003	A handler hooked and jabbed elephants; Bogar hit an elephant on the elephant's trunk with a bull hook; Sasha Houke used a bull hook on elephants

Daly City, CA
Sept., 2003

Alex Petrov jabbed an elephant with a bull hook

Reno, NV
Sept., 2003

Handlers pulled elephants with bull hooks; jabbed
elephants with bull hooks

Additional incidents include:

Kelly Tansy witnessed additional incidents of beatings, hitting of elephants with bull hooks and other instruments, and prolonged chaining, when he worked for Ringling Bros. His address is 1829 West Gardner, Spokane, WA 99201 (509) 327-5988.

Spring, 1984 or 1985 – Madison Square Garden, NYC - In the evening, a New York City police officer, Joe Pentangelo, witnessed the beating of a chained elephant with a shovel for 5-10 minutes. Mr. Pentangelo currently works for the ASPCA, 424 92nd Street, New York, New York 10128-6804 (212) 876-7700.

Mexico, 1998 - off-loading of elephants, Gunther Gebel-Williams struck two baby elephants in the face with a whip, witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Mexico, 1998 - during a performance, Gunther Gebel-Williams struck elephants - witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

October, 2002 – Auburn Hills, Michigan - a Ringling handler struck an elephant with a metal rod behind her front leg, witnessed by Doreen Rudnick, 6832 Fredmoor Street, Troy, MI 48098.

In further response to this Interrogatory, AWI hereby incorporates by reference the specific incidents set forth in the sworn affidavit that Mr. Rider provided to the United States Department of Agriculture on July 20, 2000 which is being provided by Mr. Rider in response to defendants' document production request to him. AWI also incorporates by reference all of the information that is contained in the report prepared by the ASPCA, the Fund for Animals, and the Animal Welfare Institute, entitled:

“Government Sanctioned Abuse: How the United States Department of Agriculture

Allows Ringling Brothers Circus to Systematically Mistreat Elephants” (September 2003) (hereinafter referred to as the “USDA Report”). That document is also being produced by plaintiffs in response to defendants’ document production requests.

AWI further incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Bros. personnel striking elephants with bull hooks, brooms, and other instruments, and keeping the elephants chained for long periods of time, as recorded on the videotapes that plaintiffs are producing in response to defendants’ document production requests.

Interrogatory No. 6:

Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have “taken” an elephant within the meaning of the Endangered Species Act.

Objection and Response to Interrogatory No. 6:

AWI hereby incorporates the same objections and response that it made with respect to Interrogatory No. 5. In addition, AWI states that Ringling Bros. “takes” both the adult and baby elephants when it removes baby elephants from their mothers and other members of their families.

Interrogatory No. 7:

State the date on which you first became aware of defendants’ alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

Response to Interrogatory No. 7:

AWI states that, to the best of its recollection, it first became aware of defendants’ mistreatment of and the death of Benjamin around September 1999. Because AWI

became aware of the mistreatment of Benjamin after he was dead, there were no incidents “thereafter.”

Interrogatory No. 8:

State the date on which you first became aware of defendants’ alleged mistreatment of Kenny, and describe each incident in which you contend that Kenny was mistreated.

Response to Interrogatory No. 8:

AWI states that, to the best of its recollection, it first became aware of the mistreatment and death of Kenny around March 1998. The facts concerning at least one incident of severe mistreatment, resulting in Kenny’s death, are recounted in Chapter II of the USDA Report, which is hereby incorporated by reference. In addition, because plaintiffs contend that Ringling Brothers handlers routinely hit the elephants with bull hooks and other instruments, keep them chained for most of the day, and forcibly separate baby elephants from their mothers, AWI believes that Kenny was probably mistreated many times by Ringling Brothers before he died in January, 1998.

Interrogatory No. 9

State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants’ juvenile elephants as a result of defendants’ practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants’ juvenile elephants was injured as a result of its separation from its mother.

Objections and Response to Interrogatory No. 9:

AWI objects to this Interrogatory on the ground that it is unduly burdensome and oppressive. Because Ringling officials admitted that these separation practices are “routine,” AWI contends that this kind of physical injury has probably occurred every time baby elephants have been separated from their mothers by Ringling Brothers, including all the times this was done before the Doc and Angelica incident, as well as all

the times it has been done since that incident. In addition, each time a baby elephant is separated from his or her mother, both the baby and the mother suffer emotional and behavioral injury, so this has occurred every time Ringling Brothers separated babies from their mothers.

Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, AWI states that it does not recall precisely when it first learned about injuries suffered by juvenile elephants as a result of defendants' "separation" practices, but believes it was around May 1999. The facts surrounding that particular incident with Doc and Angelica are included in Chapter IV of the USDA Report and are hereby incorporated by reference.

Interrogatory No. 10:

Describe each complaint or report that you, any of your employees or volunteers, or anyone speaking on your behalf has made to defendants directly about the way that defendants' elephants are or were treated.

Objections and Response to Interrogatory No. 10:

AWI objects to this Interrogatory on the ground that it would be unduly burdensome and oppressive for AWI to ascertain each time one of its employees or volunteers made a complaint to defendants about the way that defendants' elephants are or were treated. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, AWI states that, on behalf of AWI, Meyer & Glitzenstein sent a notice letter pursuant to the Endangered Species Act to defendants on April 21, 2001, which incorporated by reference previous notice letters sent to defendants by Meyer & Glitzenstein on December 21, 1998 and November 15, 1999. All of these notice letters speak for themselves and, although defendants already have copies of them,

they are being produced by plaintiffs in their collective response to defendants' document production request.

Interrogatory No. 11:

State each and every U.S. jurisdiction in which you have or have had official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present. Describe the nature of the official duties, any complaints or reports you received about your enforcement of those statutes or ordinances, and the outcome or result of those complaints or reports.

Response to Interrogatory No. 11:

AWI does not have and has not had any official duties to enforce any statutes or ordinances.

Interrogatory No. 12:

Describe each inspection that you have conducted of Defendants in the course of any official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present, including the names of inspectors who conducted each inspection.

Response to Interrogatory No. 12:

See response to Interrogatory #11.

Interrogatory No. 13:

Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

Objections and Response to Interrogatory No. 13:

AWI objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive. Mr. Rider saw elephants chained for "long periods of time, up to 20 hours a day," almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. AWI also contends that Ringling continues to chain its elephants for "long periods of time, up to 20 hours a day or longer." Accordingly, it is

highly oppressive and burdensome for AWI to describe each such incident. Nevertheless, subject to, and without waiving, the foregoing or general objections to these

Interrogatories, AWI provides the following additional answer to this Interrogatory:

Each and every elephant Mr. Rider named in response to Interrogatory No. 18 (that was directed to him), as well as each of the other elephants with whom he traveled with in the Blue Unit from June 3, 1997 to November 25, 1999, was chained for long periods of time, up to 20 hours a day, and longer when the elephants were traveling. For example, when Ringling Brothers performs at Madison Square Garden, the elephants are chained on the 5th floor the entire time, except when they are either rehearsing or performing. They are always chained at night, they are chained when they are eating, and they are chained when they are on the train. Because this is standard practice for Ringling Brothers, AWI contends that all of the elephants currently in the Red Unit and the Blue Unit are chained this way.

There are incidents of chained elephants depicted in the videotapes that plaintiffs are producing in response to defendants' document requests, and there are additional descriptions of elephants being chained that are reflected in other documents that plaintiffs are producing, including, but not limited to the USDA Report that is referenced herein. All of those materials are incorporated herein by reference.

Interrogatory No. 14:

Define "stereotypic behavior" as you use that term in the complaint and state the source of or basis for your definition.

Response to Interrogatory No. 14:

AWI defines "stereotypic behavior" as a behavior pattern that is repetitive, invariant, has no obvious goal of function, and is frequently exhibited by animals whose

species-typical natural behavioral drives are impeded. See Georgia J. Mason (1991)

Stereotypies: a critical review, Animal Behaviour 41, 1015-1037.

Interrogatory No. 15:

Describe each incident in which you contend that one of defendants' elephants has exhibited "stereotypic behavior," including the name of the elephant allegedly involved.

Objection and Response to Interrogatory No. 15:

AWI objects to this interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr. Rider saw defendants' elephants exhibit stereotypic behavior almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. It would be overly burdensome, oppressive, and virtually impossible for AWI to describe each such incident. In addition, AWI contends that the Ringling Brothers elephants continue to exhibit stereotypic behavior routinely. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, AWI provides the following additional answer to this Interrogatory:

Ringling Brothers' elephants rock back and forth and sway every day. AWI contends that the elephants behave this way because of their mistreatment and confinement by Ringling Brothers, which prohibits them from engaging in their species-typical behaviors.

Incidents of elephants exhibiting stereotypic behavior are recorded on the videotapes that plaintiffs are producing in response to defendants' document production requests, and there are additional incidents recorded in the USDA Report that plaintiffs are also producing. Further incidents are reflected in additional materials that are being produced by plaintiffs in response to defendants' document production requests. All of

these incidents are hereby incorporated by reference. Other incidents are described in response to Interrogatory No. 5 above, and that response is also incorporated herein by reference.

Interrogatory No. 16:

Describe every communication that you, any of your employees or volunteers, or any person acting on your behalf or at your behest has had with any current or former employee of defendants since 1996.

Objection and Response to Interrogatory No. 16:

AWI objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and to the extent that it calls for information that is protected by the attorney-client privilege or the work product privilege. Subject to and without waiving these or the general objections, AWI states that Cathy Liss, president of AWI, may have had brief conversations in passing with Dr. Richard Crawford of USDA's National Agricultural Library Animal Welfare Information Center when she was at the annual American Association for Laboratory Animal Science meetings. Dr. Crawford has worked as a consultant to Ringling Brothers. Although Ms. Liss cannot recall the substance of the conversations, they might have discussed laboratory animals or staff changes within the USDA. In addition, Ms. Liss and Christine Stevens – then President of AWI – met with Tom Rider at AWI headquarters sometime during 2001. They discussed Ringling Brothers' mistreatment of its elephants and their common interest in pursuing this law suit.

Interrogatory No. 17:

Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you

communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Objection and Response to Interrogatory No. 17:

AWI objects to this Interrogatory on the grounds that it is vague, ambiguous, unduly burdensome, overly broad, and calls for irrelevant information. Subject to and without waiving these objections, AWI states that it has not “taken,” “held,” or “espoused” a “position” regarding the presentation of elephants in circuses per se. AWI is committed to strong enforcement of the federal Animal Welfare Act and the Endangered Species Act and has worked to help secure funding for these important laws and to encourage solid enforcement. Likewise, AWI supports the keeping of animals in environments that permit them to engage in their species-typical behaviors and keeps them free from unnecessary or unnatural fear, distress and suffering. To the extent that the Interrogatory is intended to call for information regarding “positions” AWI has “taken,” “held,” or “espoused” with respect to the treatment of elephants in circuses in particular instances, that information is available in the documents produced by AWI, and by plaintiffs collectively, in response to defendants’ document requests.

Interrogatory No. 18:

Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Objection and Response to Interrogatory No. 18:

AWI objects to the Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and calls for irrelevant information. Subject to and without waiving these objections, AWI states that, to the best of its recollection, the only

time it has specifically taken a “position” on the use of ankuses on elephants was in comments submitted to USDA in response to a Federal Register Notice on Docket #97-001-4. Cathy Liss, then Executive Director, submitted written comments dated April 17, 2000, which stated, “The use of ankuses should be prohibited since these devices are tools of negative reinforcement and are oftentimes misused, subjecting animals to severe physical abuse.” To the extent the Interrogatory is meant to call for information regarding “positions” AWI has “taken,” “held,” or “espoused” with respect to the use of ankuses in particular instances, that information is contained within the documents provided by AWI, and by the plaintiffs collectively, in response to defendants’ document requests.

Interrogatory No. 19:

Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Brothers. and Barnum & Bailey Circus.

Objection and Response to Interrogatory No. 19:

AWI objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, seeks irrelevant information, and to the extent that it seeks information that is protected by the attorney-client and work product privileges. AWI cannot recall or itemize each communication it has had with other animal advocates on this topic. Subject to and without waiving these objections, AWI states that, to the best of its recollection, Cathy Liss has had about six conversations with Florence Lambert of the Elephant Alliance since 1996. Ms. Liss contacted Ms. Lambert twice regarding photographs that were needed to accompany articles being run in AWI’s magazine, the AWI Quarterly. Florence contacted AWI on August 29, 2000, seeking funds for ARCA

BRAZIL to hold a Brazilian and Latin-American Animal Welfare Congress. Cathy spoke with Florence regarding USDA Docket #97-001-4 (a USDA draft policy statement on Training and Handling of Potentially Dangerous Animals) in April 2000.

In addition, various members of the AWI staff have responded to inquiries from individuals in response to each of the AWI Quarterly articles that have been run regarding Ringling Brothers (Fall 2000 and Fall 2003). These likely involved requests for extra copies of the newsletter or requests for copies of the report, "Government Sanctioned Abuse." In March 2004, we had a few calls from people about Hawthorn Circus's violations of the Animal Welfare Act and its agreement to relinquish all of its elephants.

Other AWI staff members may periodically have communications with other animal advocates regarding elephants in circuses. Information regarding such communications may be found in the documents provided by AWI in response to defendants' document requests.

In addition, Cathy Liss has had numerous conversations with the other organizational plaintiffs in this case, and their attorneys, 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:

AWI objects to this Interrogatory on the ground that it is vague and ambiguous. In particular, AWI does not know what is meant by the term "positive things." Subject to

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.

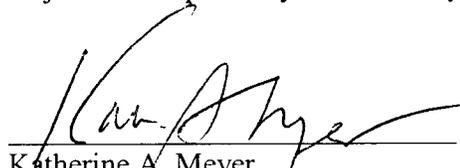
Interrogatory No. 23:

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)

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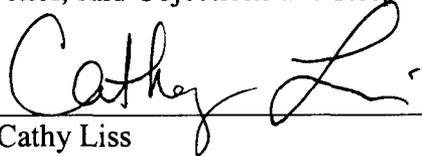
June 9, 2004

VERIFICATION

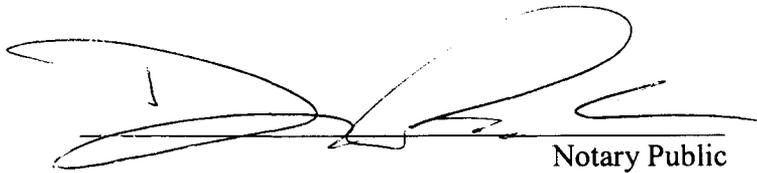
CITY OF ALEXANDRIA)
)
STATE OF VIRGINIA)

CATHY LISS, being duly sworn, says:

I am employed as the President of the Animal Welfare Institute. Animal Welfare Institute is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.


Cathy Liss

Sworn to before me this
7th day of June, 2004


Notary Public

My Commission Expires: Sept 30, 2006
