

EXHIBIT 12

Plaintiffs' Motion to Lift the
September 25, 2007 Protective Order
Civ. No. 03-2006 (EGS/JMF)

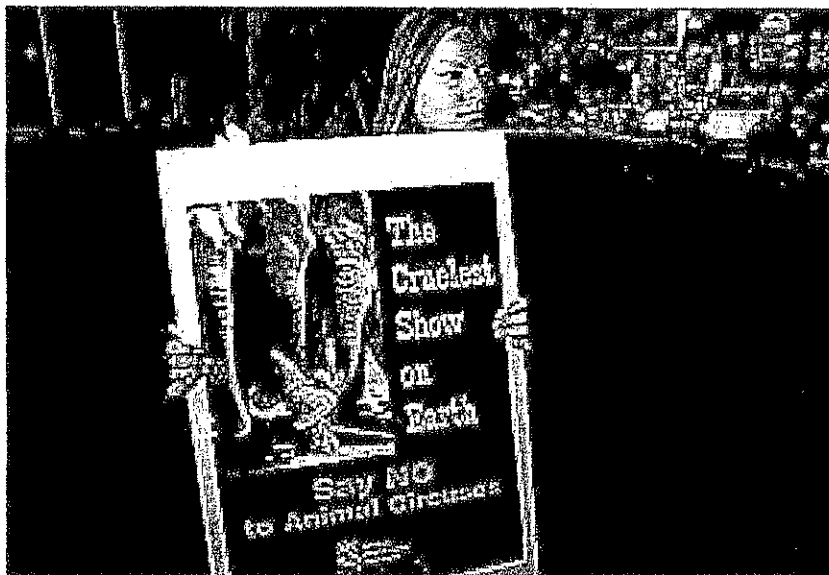


Photo by: JASON BEHNKEN

Protesters outside St. Pete Times Forum included Myra Ortiz, of Florida Voices for Animals, as the circus began its five-day run.

Ringling Bros. Applauded, Protested

By KATHY STEELE ksteele@tampatrib.com

Published: Jan 11, 2004

TAMPA - For the better part of a week, eager circus fans have been lining up for a close encounter with the Ringling Bros. stable of lions, alpacas, ponies and the circus's signature exotic - Asian elephants.

"I'm a 9-year-old in a 24-year-old body," said Clearwater resident Heather LoCoco, who stood near the front of the line with her companion from the Big Brothers Big Sisters program, Domenique, age 9.

"I've been driving everybody at work crazy talking about this," LoCoco said.

But nowadays, where circuses go, animal activists follow. So when Ringling Bros. and Barnum & Bailey Circus began its five-day run Wednesday at St. Pete Times Forum, a handful of protesters staged their own show.

One activist in a tiger costume used a bullhorn to blare an anticircus message to passing cars and patrons walking to the arena.

Next to that activist stood two people dressed as an elephant and draped in a sign that read "Save Me." A half dozen other protesters displayed posters billing the circus, "The Cruellest Show on Earth."

Three animal rights groups and a former Ringling "barn man" filed a federal lawsuit in July 2000 against Feld Entertainment and Ringling. It accuses the circus of abusing and mistreating its animals - including the Asian elephants.

Plaintiffs include The Fund for Animals, the Animal Welfare Institute, the American Society for Prevention of Cruelty to Animals and Tom Rider, who worked for Ringling for two years.

A trial date is at least a year away.

"I have never seen anybody beat the elephants. We have a zero-tolerance policy," said John Kirtland, head of animal training and care for Ringling. "Those allegations have been refuted. Our records show we provide the best animal care."

Cross-Country Protest

Rider, with no permanent address, travels across the country in a van protesting Ringling at every opportunity. The 53-year-old Illinois native said he has worked a variety of jobs, including a stint as a truck driver. He was introduced to elephants while working briefly for a Disney show.

From 1997 to 1999 he was a barn man for Ringling, watching after the elephants and cleaning their stalls. He said he witnessed repeated beatings of what he calls "his girls" with "bull hooks," curved steel points with short poles for handles.

Circuses say the hooks are used as gentle prods to guide the elephants. Kirtland said Ringling trains its elephants with praise and rewards.

But Rider asked, "Why do they carry a weapon if they say they use positive re-enforcement?"

Kirtland dismissed Rider's charges and said Rider never raised complaints while in Ringling's employ. Rider said he reported abuse of the elephants to other Ringling employees but was ignored.

"He's making a living parroting animal rights' rhetoric," Kirtland said.

Rider said he doesn't belong to any group and doesn't approve of what he calls the gimmicky and extreme tactics of activists. He said he doesn't receive money at this time from animal groups but does receive money from a private individual in California, whom he declined to name.

Rider said he stands by his accounts. He said he saw beatings inflicted on elephants in his care, including Doc, Angelica and Karen.

Allegations And Investigations

The lawsuit also cites the death of Kenny, a 3-year-old elephant that was not part of the touring circus unit in which Rider worked.

An investigation by the U.S. Department of Agriculture ended with a \$20,000 settlement.

The elephant died after performing two shows in Jacksonville in 1998. Animal activists accused Ringling of forcing the elephant to perform while ill.

Circus veterinarians said the elephant died from a gastrointestinal infection, cause unknown.

According to the settlement, Feld Entertainment, which owns Ringling Bros., agreed to give \$10,000 each to a research facility studying elephant diseases and an elephant sanctuary.

"It was not a fine. It was a settlement rather than a litigation," Kirtland said, adding that in 30 years, Ringling has never been found guilty of violating animal welfare laws.

USDA records show the circus has been investigated 16 times since 1990. In 11 cases, complaints of mistreatment or abuse were deemed unfounded.

Two cases involving the death of the 3-year-old elephant were combined and resulted in the settlement. In three other cases, warning letters were issued. One involved the death of a tiger in St. Petersburg in 1999. In that case, a distraught trainer shot the big cat in his cage after the animal had mauled the man's brother.

That's not an accepted form of euthanasia, said Jim Rogers, USDA spokesman.

But Kirtland is correct to say Ringling has no violations, Rogers said.

Out-of-court settlements are the likely outcome of investigations in cases where there is mistreatment of animals or improper animal care, Rogers said. In such cases, the agency doesn't make findings of violations, he said.

Although settlements can include admissions of guilt, that rarely happens, he said.

"Settlements allow us a wider latitude," Rogers said.

Ringling, the largest of the major touring circuses, isn't the only circus to be investigated.

The USDA, with just fewer than 100 inspectors, pays unannounced visits about once a year to circuses and other animal exhibitions. Agents go more often when public complaints are made, Rogers said.

On average there are 10,000 to 12,000 inspections, a number that has been consistent for many years, he said.

"I get calls all the time," Rogers said.

Some calls are from the public. There are also calls from the media, contacted by various animal groups, he said.

Smaller circuses, such as Clyde Beatty-Cole Bros., and Carson & Barnes, also have been investigated. USDA records from 1995 show the following outcomes:

* Clyde Beatty-Cole Bros. - One case closed with no findings of mistreatment; one warning letter; a \$2,750 payment related to bull hook injuries to elephants; a suspended \$10,000 settlement, also based on bull hook injuries to elephants, with the provision that the circus hire a USDA- approved animal consultant for two years; an open investigation. Rogers said USDA policy is not to comment on open cases.

* Carson & Barnes - Two cases closed with no findings of mistreatment, a \$400 payment related to an accident while transporting an elephant and an open investigation.

Animal activists complain that the relationship between the USDA and Ringling is too cozy.

Seminars to train inspectors often rely on Ringling employees, Rider said. While he was with the circus, Ringling always knew when inspectors were coming, he said.

Kirtland said Ringling provides training assistance to various animal agencies and zoos, but that's because circus animal handlers have the knowledge and experience in dealing with exotic animals.

"It's delusional to think we can buy off a branch of the federal government," Kirtland said.

Ringling Bros.' reputation was evident among Tampa circus fans.

"I think Ringling would be the only respectable one," LoCoco said. "It's the only one that cares."

'Good For Business'

Inside the forum, the audience was captivated by the traditional trappings.

Khalil Almutasim's mouth dropped open as a trapeze artist twirled high above, looking like some spidery creature glittering in gold and pink.

His mother, Kathy Boulden, and father, Bilal Almutasim, are circus fans. But Boulden remembers a circus a few years ago in New Jersey where the animals looked to be in poor health.

"We didn't go back," Boulden said. But their view of Ringling's animals Wednesday was favorable.

"They are looking better, healthier," Boulden said.

Valrico resident Melissa Gross and her sons, Nathan, 3, and Jared, 7, walked through Ringling's Animal Open House before Wednesday's performance. Elephants were among Nathan's favorites, as was Bella the clown.

"I like it when the clowns act funny," Nathan said. And when elephants raise their trunks and make noises, he added.

The protest "doesn't discourage me at all," their mother said.

Kirtland said: "It's good for business. They are alienating people because of their tactics."

But Tampa resident Myra Ortiz, a member of Florida Voices for Animals, said she has seen videotapes - widely circulated by animal rights groups - that convinced her that circuses abuse elephants.

"It's the reason I'm here," Ortiz said.

The Tampa Tribune is one of Ringling's media sponsors.

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