

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION)	
OF CRUELTY TO ANIMALS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civ. No. 03-2006 (EGS/JMF)
)	
FELD ENTERTAINMENT, INC.)	
)	
Defendant.)	

PLAINTIFFS’ PRE-TRIAL STATEMENT

Pursuant to this Court’s First Amended Pretrial Order (Docket Entry (“DE”) 328), and Local Rule 16.5, plaintiffs submit this pre-trial statement.

I. STATEMENT OF THE CASE

A. Nature of the Case:

This is a case under the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531 et seq., concerning the endangered Asian elephant. Plaintiffs contend that defendant Feld Entertainment Inc. (“FEI”), which operates the Ringling Brothers and Barnum & Bailey Circus (“Ringling Bros.”), “takes” the endangered Asian elephants in its possession in violation of Section 9 of the ESA by “harming,” “harassing,” and “wounding” the elephants. See 16 U.S.C. § 1532(19) (definition of “take”). FEI does so because its employees routinely hit the elephants with bull hooks to train, handle, “correct” and “discipline” the elephants and to get them to perform and behave as demanded by FEI. FEI also “takes” the elephants by chaining the elephants on hard surfaces for many hours each day, and many more hours when the elephants used in the circus

are transported on train cars from one location to the next, which is done more than 40 weeks of each year, year after year.

Plaintiffs contend that because FEI unlawfully takes the endangered elephants, it is also in violation of the provisions of the ESA that prohibit the “possession” and “transportation” of any endangered animal that has been unlawfully taken, 16 U.S.C. §§ 1538(a)(1)(B), (D), and that because it takes the elephants in ways that have not been permitted by the Fish and Wildlife Service (“FWS”), it is also violating the ESA’s separate prohibition against the transportation of any endangered species in interstate commerce in the course of a commercial activity, except as permitted by the Fish and Wildlife Service. 16 U.S.C. § 1538(a)(1)(E).

B. Identities of the Parties:

The Plaintiffs in the case are the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, the Fund for Animals, the Animal Protection Institute, and Tom Rider, a former Ringling Bros. employee. The Defendant is FEI.

C. Basis for the Court’s Jurisdiction:

The Court has jurisdiction over plaintiffs’ claims pursuant to the ESA, 16 U.S.C. § 1540(g), as well as 28 U.S.C. § 1331.

II. STATEMENT OF CLAIMS MADE BY PLAINTIFFS:

A. Plaintiffs’ Claims

Plaintiffs make the following claims:

1. Defendant unlawfully takes endangered Asian elephants, in violation of 16 U.S.C. § 1538(a)(1)(B), by harming, harassing, and wounding them with bull hooks and other instruments;

2. Defendant unlawfully takes endangered Asian elephants, in violation of 16 U.S.C. § 1538(a)(1)(B), by harming, harassing, and wounding them by confining them for long periods of time in chains, on hard surfaces, and in small spaces;
3. Because defendant is unlawfully taking the Asian elephants, it is also in possession of endangered animals that have been unlawfully taken, in violation of 16 U.S.C. § 1538(a)(1)(D); and
4. Because defendant is unlawfully taking the Asian elephants, it is also transporting endangered species that have been unlawfully taken, in violation of 16 U.S.C. §§ 1538(a)(1)(D), (E).¹

B. Summary of Legal Elements and Factual Support For Each of Plaintiffs' Claims. (Pursuant to the Court's First Amended Pre-trial Order at 2).

1 The Legal Elements Governing The Take Of An Endangered Species.

Section 9 of the ESA prohibits the "take" of any endangered species. 16 U.S.C. § 1538(a)(1)(B). This prohibition applies not only to wild animals, but also to endangered species held in captivity. See, e.g., id. § 1538(a)(1) (section 9 prohibits the take of "any endangered species of fish or wildlife") (emphasis added); see also 63 Fed. Reg. 48634, 48636 (Sept. 11, 1998) (Fish and Wildlife Service explains that "take" was defined by Congress to apply to endangered or threatened wildlife "whether wild or captive").

The term "take" is broadly defined to mean "harass, harm, pursue, hunt, shoot, wound,

¹ In their Complaint, plaintiffs also asserted a claim based on the forcible separation of baby elephants from their mothers. See Complaint ¶¶ 1, 78-89, 96. However, the Court's August 23, 2007 partial grant of summary judgment for the defendant does not allow plaintiffs to seek relief with respect to the captive-born elephants, on the grounds that only the FWS can bring an enforcement action concerning those elephants. See Memorandum Opinion (DE 173) at 17-23. Accordingly, plaintiffs are no longer addressing that specific claim.

kill, trap, capture, or collect, or to attempt to engage in any such conduct.” 16 U.S.C. § 1532(19). The FWS has additionally defined “harm” to include any act that “kills or injures wildlife,” including actions that “significantly impair[] essential behavioral patterns,” 50 C.F.R. § 17.3. The term “harass” is defined to mean “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.” 50 C.F.R. § 17.3.²

As the Supreme Court has observed, the term “take” is defined in the statute “in the broadest possible manner to include every conceivable way in which a person can take or attempt to take any fish or wildlife.” Babbitt v. Sweet Home Chapter of Communities. for a Greater Or., 515 U.S. 687, 705 (1995) (quoting S. Rep. No. 93-307, at 7 (1973)) (emphasis added). There is no requirement that the harm to the species be intentional, and both direct and indirect harm can constitute unlawful “takes” of a listed species. See, e.g., Sweet Home, 515 U.S. at 704-07 (holding that actions that destroy the habitat of an endangered species can “take” the species).

Once the Court finds that there is an unlawful “take” of an endangered species, it must craft an appropriate remedy to halt the conduct that constitutes the “take.” See TVA v. Hill, 437 U.S. 153 (1973) at 194-95 (rejecting any role for the courts “to strike a balance of equities” because “Congress has spoken in the plainest of words, making it abundantly clear that the

² For endangered animals held in captivity, “harass” is further defined to exclude “(1) Animal husbandry practices that meet or exceed the minimum standards for facilities and care under the Animal Welfare Act, (2) Breeding procedures, or (3) Provisions of veterinary care for confining, tranquilizing, or anesthetizing, when such practices, procedures, or provisions are not likely to result in injury to the wildlife.” Id.

balance has been struck in favor of affording endangered species the highest of priorities).

Accordingly, whether FEI is engaged in other activities that purportedly “conserve” the Asian elephant – a proposition with which plaintiffs vigorously disagree – is completely irrelevant to what this Court has recognized is “a very narrow issue – whether or not defendant’s treatment of its elephants constitutes a taking” under the Endangered Species Act (“ESA”). Memorandum Opinion (Aug. 23, 2007) (DE 176) at 8.

2. FEI’s Routine Confinement Practices Takes The Elephants.

Plaintiffs have extensive evidence in support of their claim that the elephants are routinely chained for long periods of time, and for days at a time when the elephants are on the road – which is more than 40 weeks of every year. In addition to testimony of former and current Ringling Bros. employees, plaintiffs rely on videotape of elephants chained on “picket lines” – i.e., a line of several elephants, each chained on two legs and then to a central stake or “picket” – as well as elephants chained by themselves and chained on the train. In addition, plaintiffs will rely on documents from the United States Department of Agriculture (“USDA”), the agency that administers the Animal Welfare Act, that describe the manner in which the elephants are confined on chains, including one such document that states that “[t]he chains on some were so short and taut, that [the elephants] could not have turned 180 [degrees], or take a single full step forward or backward, much less a few steps.”³ Plaintiffs also have videotape that they subpoenaed from **REDACTED**

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³ USDA Memorandum (Dec. 22, 1998), PL 51129.

Plaintiffs will also present evidence showing that even when the elephants are not on chains, they are confined in small pens that do not provide them much freedom of movement.

Plaintiffs will present FEI's own documents and deposition testimony to corroborate that the elephants spend many hours each day on chains. For example, FEI's Chief Executive Officer Kenneth Feld **REDACTED** **REDACTED** and FEI's own "Transportation Orders," which show the time periods that the elephants are on the train, demonstrate that the elephants are chained on the hard train surface in extremely cramped spaces for an average of 26 consecutive hours when the circus travels from one venue to another, and that they are often kept chained in the box cars for 60 to 70 consecutive hours or more, and sometimes as much as 90-100 hours.⁵ Plaintiffs will also present evidence from former employees, FEI's own internal documents, USDA records, and records subpoenaed from **REDACTED** **REDACTED** I that demonstrate that FEI also often keeps the elephants on the train overnight and at other times when the train is not moving.

Although in its public relations materials, FEI tells the public that the elephants kept at its breeding facility, which it calls the "Center for Elephant Conservation" ("CEC") "can roam and socialize to their heart's content,"⁶ according to testimony from FEI's own manager of that facility, **REDACTED** **REDACTED**

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⁵ Compilation of data from FEI Transportation Orders.

⁶ See e.g., Feld 0003355.

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Plaintiffs' experts will explain that keeping the elephants confined in this manner "harms," "harasses," and "wounds" the elephants in many ways, by contributing to serious foot, leg, joint, and other injuries and diseases, and significantly impairing and disrupting their essential and normal behavioral patterns, including their need to walk, their need to turn around and to explore their surroundings, and their need to socialize with other elephants. Plaintiffs will also demonstrate that many of the elephants engage in what is called "stereotypic" behavior – i.e., they rock back and forth repetitively on their chains – and plaintiffs experts', who have extensively researched such behavior in captive animals, will explain that this is

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Dr. Philip Ensley, a veterinarian for the San Diego Zoo and Wildlife Park for 29 years – who has reviewed all of the elephants' medical records that plaintiffs were able to secure as a result of two Orders from this Court, Order (Sept. 26, 2005) (DE 50), Order (Sept. 26, 2006) (DE 94) – will also testify that

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Plaintiffs will rely on eye-witness testimony concerning the stereotypic behavior of the elephants, as well as videotape evidence, including

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videotape taken at the Court-ordered inspections of the elephants.⁸

Plaintiffs will also demonstrate that **RED** of the FEI elephants have tested positive for tuberculosis over the years, which, according to plaintiffs' experts, **REDACTED**. The prevalence of TB among the elephants is demonstrated by the elephants' medical records and other internal FEI records, and by USDA records and the fact that the State of Florida has imposed a quarantine on the CEC because elephants there have tested positive for this disease. See FEI Press Release (August 29, 2008).

3. FEI's Use of the Bull hook and Other Weapons "Takes" The Asian Elephants.

Plaintiffs also have substantial evidence that FEI employees' routine practice is to hit, pull, prod, jab, strike, and "hook" the Asian elephants with an instrument called a "bull hook" or "ankus" – and that FEI now calls a "guide" – which is an approximately three-foot long club with two metal hooks on one end. This instrument is used on a daily basis by FEI employees to strike and "hook" the elephants on various parts of their bodies to make them to do as they are instructed and to "correct," "discipline," and punish them for disobeying commands. FEI employees use other instruments for the same purpose, including brooms, whips, and a "hot shot," which is a device that administers a strong electric shock to the animal.

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Plaintiffs will present testimony from former Ringling Bros. employees that the bull hook is used this way, and they will also present additional eye-witness testimony from other individuals who have observed Ringling Bros. employees throughout the country routinely use the bull hook to prod, pull, jab, strike and hook the elephants. Plaintiffs also have videotape footage of Ringling Bros. employees prodding, jabbing, pulling, striking, and hooking elephants with bull hooks.

Ringling Bros.' own internal documents and deposition testimony also show that Ringling Bros. employees routinely engage in these practices. For example, one document shows that a "hot shot" was being used to "manage" the elephants, and that one elephant was beaten so badly with a bull hook that she had 22 "puncture wounds" caused by "sharp" bull hooks.⁹ Another document states that an elephant was "dripping blood all over the arena floor during the show from being hooked," and that "[I]ast night in the show . . . [a handler] hook[ed] Lutzki under the trunk three times and behind the leg once in an attempt to line her up for the T-mount," and that there was "blood in small pools and dripped along the length of the rubber and . . . all the way inside the barn."¹⁰ Another internal FEI document states that Troy Metzler – a Ringling Bros.' "Superintendent of Elephants" – "was observed hitting Angelica 3 to five times in the stocks before unloading her and then using a hand electric prod within public view after unloading," and that Mr. Metzler also "carried an electric prod in his back pocket throughout most of the California tour."¹¹

⁹Animal Activity Report, FEI 38273, at 2-3.

¹⁰ Memorandum from Deborah Fahrenbruck to Mike Stuart (January 8, 2005), FEI 15025 - 27.

¹¹ E-mail from Deborah Fahrenbruck to Mike Stuart (Jan. 8, 2005), FEI 15024.

Plaintiffs will also present USDA documents demonstrating evidence of bull hook use on the elephants, including Investigative Reports from that agency that conclude that the trainer's use of the bull hook on a very young elephant "created behavioral stress and trauma which precipitated in the physical harm and ultimate death of the animal,"¹² and that the striking of another elephant with a bull hook **REDACTED**.¹³ Plaintiffs will present testimony and evidence from local law enforcement officials concerning the use of the bull hook on the elephants, including testimony from a former San Jose, California Police Officer.

Plaintiffs' experts, including Dr. Philip Ensley, who has reviewed all of the medical records for the elephants, and Carol Buckley, Colleen Kinzley, and Gail Laule – all of whom have extensive professional knowledge and experience about how the bull hook is used in the circus industry to train and handle elephants – will testify that **REDACTED**

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¹² USDA Investigative Report (Sept. 1, 1999), PL 10051.

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¹⁴ Plaintiffs also obtained two separate orders from Judge Facciola requiring that certain medical records that were the subject of this Court's earlier compulsion orders be provided to him in camera when plaintiffs challenged the withholding of these documents. See Minute Order (June 3, 2008) (concerning FEI 42475 and 42477); Order of August 4, 2008 (DE 325). However, according to FEI, these documents have been lost by FEI's counsel, and hence they will not be provided to the Court. See FEI's Response To The Court's August 4, 2008 Order (August 13, 2008) (DE 332). It is plaintiffs' position that under these unusual circumstances the Court should preclude FEI from relying on other documents that are similar in kind to those that have not been turned over, and that it should also draw a negative evidentiary inference against FEI that these documents would have further corroborated plaintiffs' claims. See Plaintiffs' Motion In Limine And For Additional Sanctions Due To Defendant's Spoliation of Evidence, supra.

It is plaintiffs' position that the use of the bull hook and other instruments "wounds" the elephants in violation of the ESA's take prohibition, and that it also "harms" and "harasses" the elephants in violation of the take prohibition because it causes physical, psychological, and behavioral injuries to the elephants (and in one case resulted in the death of an elephant), and also significantly impairs and disrupts the elephants' essential and normal behavioral patterns, including their ability to move freely without being hit, their ability to explore their surroundings, and their ability to socialize with other elephants.

III. STATEMENT OF DEFENSES RAISED BY DEFENDANT:

Defendant has asserted the following defenses:

1. Plaintiffs have failed to state a claim on which relief can be granted;
2. There is no "case or controversy" under Article III of the Constitution because Plaintiffs do not have standing to pursue this action;
3. Plaintiffs lack standing under the Endangered Species Act, 16 U.S.C. § 1531 et seq.;
4. The Court does not have subject matter jurisdiction over plaintiffs' allegations;
5. Plaintiffs' claims are barred in whole or in part by the applicable statutes of limitations;
6. Plaintiffs' claims are barred in whole or in part by the doctrine of laches;
7. Plaintiffs may not challenge the validity of administrative interpretation of regulations issued by the Department of the Interior in this action against Defendant; and
8. This Court does not have jurisdiction over plaintiffs' allegations exceeding the

scope of the allegations in the “right to sue” letter referenced in paragraph 95 of the Complaint.

IV. THE SCHEDULE OF WITNESSES TO BE CALLED BY PLAINTIFFS:
(Expert Witnesses are designated by an asterisk)

A. Witnesses Plaintiffs Expect To Call:

1. *Dr. Joyce Poole, Ph.D.
Buskhellinga 3
3236 Sandefjord
Norway
(47) 33478817
2. *Dr. Philip Ensley, D.V.M. (Expert)
2740 Granada Avenue
San Diego, CA 92104
(619) 282.9852
3. Lanette Williams
495 Goodman Branch Rd.
Hohenwald, TN 38462
(931) 796-5204
4. Patrick CuvIELlo
P.O. Box 2834
Redwood City, CA 94064
(650) 654-9955
5. Archele Hundley
5609 ½ Church Drive
Charleston, W. Va. 25306
(304) 421-8424
6. Robert Tom, Jr.
90 Joseph Dr.
Almo, Kentucky 42020
(270) 873-8209
7. *Dr. Ros Clubb, Ph.D.
Wilberforce Way, Southwater
Horsham, West Sussex
RH 13 9RS

United Kingdom
44-0-300-1123-0206

8. *Carol Buckley (Expert and Fact Witness)
The Elephant Sanctuary
183 Buck Hollow Road
Hohenwald, TN 38462
(931) 796.6500
9. *Colleen Kinzley (Expert and Fact Witness)
General Curator
The Oakland Zoo
P.O. Box 5238
Oakland, CA 94605
(510) 632-9525
10. *Gail Laule
Active Environments Inc.
7651 Santos Road
Lompoc, CA 93436
(805) 737- 3700
11. Tom Rider
c/o 4909 Elisabeth Street
Cudahy, CA 90201
(202) 374-1503
12. Nicole Paquette
Animal Protection Institute
1122 S Street
Sacramento, CA 95811
(916) 447-3085
13. *Dr. Benjamin Hart, Ph.D.
School of Veterinary Medicine
University of California,
Davis, CA 95616
(530)752-2181

B. Witnesses Plaintiffs May Call If Necessary:

1. Deniz Bolbo
P.O. Box 2834
Redwood City, CA 94064
(650) 654-9955
2. Kindall Cross (to authenticate video evidence contained in PL 07072)
119 Elmore Rd.
Pittsburgh, PA 15221
(412) 243-4828
3. Claudia Emerson (to authenticate video contained in PL 18038)
6040 Blvd. East
West New York, New Jersey 07093
(917) 664-0516
4. Louis Gedo (to authenticate video contained in PL 08972)
150-15 Sanford Ave.
Apt. 3A
Flushing, New York 11355
(718) 359-6424
5. Chris Green
7107 S. Yale Ave.
Tulsa, OK 74136
(918) 519-0803
6. Barbara Grove
40 Clinton Street, Apt. 4
Redwood, CA 94062
(650) 839-0305
7. Rob Hutton
817 South One Thousand East #3
Salt Lake City, Utah 84102
(801) 550-8065
8. Paul Kercheval
c/o 501 Front Street
Norfolk, VA 23510
(757) 622-7382
9. Alfredo Kuba
500 W. Middlefield Rd.
Mountain View, CA 94043

(510) 632-9525

10. Michelle Sinnott (regarding compilation of Transportation Orders)
1601 Connecticut Ave., N.W.
Suite 700
Washington, D.C. 20009
(202) 588-5206
11. Elisabeth Swart
10 State Street
Newburyport, Mass. 01950
(508) 783-8308
12. Nicholas Trammel
1015 Tennyson Street
Denver, Colorado 80204
(303) 861-3078
13. Burlington Northern Santa Fe Railroad (BNSF), Corporate Representative
(to authenticate subpoenaed records)
2650 Lou Menk Drive
Fort Worth, TX 76131-2830
(800) 795-2673
14. CSX Transportation Corp., Corporate Representative
(to authenticate subpoenaed records)
500 Water Street, 15th Floor
Jacksonville, FL 32202
(904) 359-3200
15. A representative of the Washington D.C. Humane Society (to authenticate records, FEI 1576)
16. A representative of the Verizon Center (formerly MCI Center) (to authenticate subpoenaed video tape)
- 17-21. USDA employees Diane Ward, Miava Binkley, Robert Brandes, David Green, Christopher Mina
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250
(202) 720-3351

V. EXHIBITS TO BE OFFERED IN EVIDENCE BY PLAINTIFFS:

A. Exhibits Plaintiffs Expect To Offer:

- Exhibit 1 Medical Records of Ringling Brothers Elephants (contained on DVD provided to Defendant on 8/23/08)
- Exhibit 2 Medical Records of the elephants Jewell, Karen, Lutzi, Mysore, Susan, and Zina (contained on DVD provided to Defendant on 8/23/08)
- Exhibit 3 9/26/00 Affidavit of Dr. Michael Smith regarding a 9/7/00 inspection of Ringling Brothers Blue Unit (FELD 0688-0691)
- Exhibit 4 1/16/99 Narrative written by Kristina Cox documents the 1/7/99 and 1/8/99 inspection of Ringling Brothers Blue Unit (PL 14244-14245)
- Exhibit 5 Adams, Dr. Jack, Wild Elephants In Captivity (PL 10896)
- Exhibit 6 8/25/01 Humane Society of Santa Clara Valley elephant abuse citation issued to Mark Oliver Gebel (FELD 28618)
- Exhibit 7 9/2/05 Report of Investigation for Case # VA05008-AC (PL 11716-11748)
- Exhibit 8 10/12/05 Letter to Kenneth Vail from Cassie Armiger regarding Case # VA05008-AC (PL 14659-14660)
- Exhibit 9 1/8/05 Email from Deborah Fahrenbruck to Mike Stuart regarding a letter written, but never sent, to Kenneth Feld (FEI 15025-15027)
- Exhibit 10 1/8/05 Email from Deborah Fahrenbruck to Mike Stuart regarding notes on Phoenix/California (FEI 15024)
- Exhibit 11 7/25/04 Email from Heather Riggs to William Lindsay, Ellen Wiedner, and Allison Case regarding a few updates (FEI 16646-16648)
- Exhibit 12 7/24/04 Email from Heather Riggs to William Lindsay, Ellen Wiedner, and Allison Case regarding elephants (FEI 16614-16618)
- Exhibit 13 9/14/00 Inspection Report of Ringling Brothers Red Unit (PL 11784)
- Exhibit 14 6/9/00 Memo from Carl LaLonde to Dr. Miava Binkley regarding Case #OH00018-AC (PL 11840-11841)

- Exhibit 15 5/31/00 Interview Log regarding case #OH00018-AC (FELD 591)
- Exhibit 16 9/3/99 Email from William Lindsay to Pete Cimini regarding Elephant Reports (FEI 31338-31342)
- Exhibit 17 Lanette Williams report of 8/22-29/99 inspection, Government Exhibit 85, (FELD 626-636)
- Exhibit 18 9/20/94 Inter-Office Memorandum from Richard Froemming to Kenneth Feld regarding status update - winter quarters, animals, and projects (FEI 39504-Revised - FEI 39507H-Revised)
- Exhibit 19 3/7/94 Animal Activist Activities (FEI 38273-38299)
- Exhibit 20 7/20/00 Affidavit of Tom Rider (PL 4458-4464)
- Exhibit 21 5/15/01 Report of Investigation for Case # CA01069-AC (PL 1351-1352)
- Exhibit 22 9/18/01 Ringling Bros. and Barnum & Bailey Circus Department of Veterinary Care Elephant Workshop in Conjunction with the Annual Meeting of the American Association of Zoo Veterinarians (FEI 2349-2373)
- Exhibit 23 2/4/01 Email from Cathy Shilton to Mark Gaipo regarding vet report (FEI 21230)
- Exhibit 24 9/1/99 Report of Investigation for Case # TX99237-AC (PL 10051)
- Exhibit 25 8/30/04 Email from Ellen Wiedner to William Lindsay, Allison Case, and Ramiro Isaza (FEI 32492-32494)
- Exhibit 26 1/9/99 Affidavit of Robert (FELD 23386)
- Exhibit 27 8/25/01, 8/30/01, 9/1/01, and 9/4/01 Report of Humane Society of Santa Clara Valley Inspection Report of Ringling Brothers (FELD 28607-28617)
- Exhibit 28 5/20/05 Letter from Adam Parascandola to Julie Strauss regarding investigation by the Washington Humane Society on 4/16/05 (FEI 1576-1579)
- Exhibit 29 7/26/04 Email from Allison Case to Jim Andacht and Mark Gaipo (FEI 19522)
- Exhibit 30 5/15/98 Letter from Rosemary Vozobule to Ron DeHaven regarding a 3/25/98 concerning an incident at the MCI Center (FELD 330)
- Exhibit 31 3/6/98 Email from Ron DeHaven to Michael Dunn regarding several Ringling

Brothers investigations (FELD 00219)

Exhibit 32 2/5/98 Affidavit of Gary West regarding the elephant Kenny (PL 1537-1539)

Exhibit 33 7/5/98 Consent Decision relating to the elephant Kenny (A 1126-1129)

Exhibit 34 Documents concerning the location and transfer of Ringling Brothers elephants (2000-2005)

FEI 1453-1456

FELD 6022-6023

FEI 11014

FELD 5891

FELD 6086-6087

FEI 11150

FELD 5889

FELD 6252-6253

Exhibit 35 Regulatory Status of Asian Elephants Currently Owned by Feld Entertainment, Inc. - Summary (Exhibit 1 to Defendant Motion for Summary Judgment, DE 82)

Exhibit 36 5/1/05 - 7/16/07 Asian Elephant North American Regional Studbook (PL 16303-16430)

Exhibit 37 9/19/07 Defendant Notice of Issues (DE 188)

Exhibit 38 5/11/00 Daily Animal Report (FEI 36506)

Exhibit 39 Marcy Rosendale's inspection notes from a 7/11/06 inspection (PL 13735-13736)

Exhibit 40 Physical Examination and Diagnostic Procedures (FEI 2358)

Exhibit 41 2/16/99 Memo from Miava Binkley documenting USDA inspection of Doc and Angelica (FEI 817-818)

Exhibit 42 2/9-10/99 Inspection Report of Ringling Brothers CEC (PL 3846)

Exhibit 43 5/11/99 Letter from Ron DeHaven to Julie Strauss regarding the 2/10/99 inspection at Ringling Brothers CEC (FEI 843-844)

Exhibit 44 Blue Unit Elephant Husbandry Protocol (FEI 51888-51890)

Exhibit 45 Daily Routine for the CEC (FEI 49629)

Exhibit 46 Defendant First and Supplemental Responses to Plaintiffs' Interrogatories (6/9/04, 3/3/05, 1/31/07, and 1/30/08)

Exhibit 47 Defendant Response to Plaintiff's Request for Admissions (6/9/04)

- Exhibit 48 7/21/04 Memo from Michael Smith to Dr. Garland regarding a 7/12/04 Ringling Brothers Train arrival inspection (PL 13535-13536)
- Exhibit 49 Transportation Orders
- Exhibit 49A Blue Unit Transportation Orders dated 2000-2008 (see Appendix A)
- Exhibit 49B Red Unit Transportation Orders dated 2000-2008 (see Appendix A)
- Exhibit 49C Blue and Red Unit Transportation Orders dated 1997-1999 (see Appendix A)
- Exhibit 50 Declaration of Michelle Sinnott and Attachments (Exhibit 37 to Plaintiffs' Motion for Preliminary Injunction, DE 297)
- Exhibit 51 Burlington Northern Santa Fe Railroad Documents dated 2007
- | | | |
|----------------|----------------|----------------|
| PL 17118-17120 | PL 17225-17227 | PL 17460-17462 |
| PL 17133-17138 | PL 17229-17231 | PL 17499-17501 |
| PL 17145-17148 | PL 17234-17237 | PL 17662-17666 |
| PL 17172-17177 | PL 17258-17263 | PL 17687-17691 |
| PL 17178-17183 | PL 17353-17354 | PL 17707-17708 |
| PL 17212 | PL 17381-17383 | PL 17711-17713 |
| PL 17212-17213 | PL 17384-17386 | PL 17736-17741 |
| PL 17216-17218 | PL 17387-17391 | |
- Exhibit 52 10/16/04 Email from Ellen Wiedner to William Lindsay, Allison Case, and Ramiro Isaza (FEI 33114-33115)
- Exhibit 53 1/25/02 Email from Todd Willens to Joe DeMike (FEI 17030-17032)
- Exhibit 54 7/16/99 Memo from Charles Curren to Dr. Robert Williams documenting a 7/15/99 inspection (PL 2081-2083)
- Exhibit 55 Undated Memo from S. Taylor to R. Williams documenting a 12/22/98 inspection (FELD 1529-1531)
- Exhibit 56 5/9/05 Ringling Brothers Circus Operations Standard Operating Procedures (FEI 3069-3086)
- Exhibit 57 5/10/00 Email from Betty Goldentyer to Barbara Kohn regarding Research Proposal (PL 11874)

- Exhibit 58 6/18/99 Elephant Daily Report (FEI 22576)
- Exhibit 59 2/27/01 Daily Animal Record (FEI 36878)
- Exhibit 60 8/2/01-8/13/01 Daily Animal Record (FEI 36713-36723)
- Exhibit 61 5/11/06 Animal Welfare Complaint regarding allegations of elephant abuse at Ringling Brothers (PL 13718-13721)
- Exhibit 62 8/12/04 Affidavit of Jonathon Griggs regarding Investigation # AZ04156 (PL 13483-13486)
- Exhibit 63 7/21/04 Memo from Michael Smith to Dr. Garland regarding Ringling Circus train arrival inspection (PL 13535-13536)
- Exhibit 64 Itineraries for Ringling Brothers Red and Blue Units (2001-2007)
- | | | |
|----------------|----------------|----------------|
| FELD 1684-1685 | PL 12056-12057 | FELD 1697-1698 |
| FELD 1686-1687 | PL 13595-13596 | FELD 1700-1702 |
| FELD 1688-1689 | PL 13588 | PL 12066 |
| FELD 1699 | FELD 1693-1694 | PL 13577-13578 |
| FELD 1690 | FELD 1695-1696 | PL 13572 |
- Exhibit 65 Friend, Ted, Transportation and Management of Circus Animals, Transportation of Circus Elephants, July 2001 (FELD 2210-2317)
- Exhibit 66 5/3/99 Daily Animal Report (FEI 22645)
- Exhibit 67 10/17/99 Daily Animal Report (FEI 22670)
- Exhibit 68 10/22/99 Daily Animal Report (FEI 22672)
- Exhibit 69 Elephant Husbandry Care Ringling Bros. and Barnum & Bailey Circus (FEI 13060)
- Exhibit 70 USDA Animal Care Resource Guide, 10/13/98 Policy #6 (FELD 2453-2454)
- Exhibit 71 USDA Animal Care Resource Guide, 4/1/98 Policy #21 (F 3348-3349)
- Exhibit 72 9/5/97 Animal Care Inspection Report (FELD 001-002)
- Exhibit 73 3/2001 AZA Standards for Elephant Management and Care (PL 10938-10950)

- Exhibit 74 5/2003 AZA Standards for Elephant Management and Care (API 1424-1437)
- Exhibit 75 AAZPA Guidelines for Management of Elephants in Captivity (F 3403-3408)
- Exhibit 76 2002 Feld Entertainment Standards and Guidelines for Animal Care and Management (FEI 438-467)
- Exhibit 77 9/3/94 Memorandum from Richard Froemming to Richard Houck regarding Guide for Animal Handlers (FEI 486-489)
- Exhibit 78 2/5/01-2/10/01 AZA Principles of Elephant Management, Wheeling, WV, conducted by American Zoo & Aquarium Association (PL16732-16998)
- Exhibit 79 The Elephant Managers Association Inc. Guidelines for Elephant Management and Care (FEI 3215-3225)
- Exhibit 80 Roocroft, Alan and Zoll, Donald Atwell, Managing Elephants: An Introduction to Their Training and Management, 1994 (PL 11245)
- Exhibit 81 12/14/97 Letter from Joan Galvin to Barbara Kohn regarding Docket No. 97-001-1; Handling, Training and Exhibition of Potentially Dangerous Exotic or Wild Animals (FELD 25288-25300)
- Exhibit 82 Complaint, ASPCA et al. v. Feld Entertainment, Inc. et al., Civ. No. 03-2006 (EGS/JMF)
- Supplemental Complaint ASPCA et al. v. Feld Entertainment, Inc. et al., Civ. No. 03-2006 (EGS/JMF)
- Exhibit 83 5/14/02 Invoice, Check Request, and Check concerning the purchase of 40 bullhooks for \$12,000 from Charlie Gray (FELD 3295-3297)
- Exhibit 84 September 2005 USDA/APHIS Audit Report; APHIS Animal Care Program Inspection and Enforcement Activities (PL 10817-10876)
- Exhibit 85 3/29/07 Letter from Elizabeth Goldentyer to Robert Huttenlocker regarding Case # VA07015 (PL 13841)
- Exhibit 86 Documents reflecting the origin of Ringling Brothers elephants (DX 5 and DX7 to Defendant Motion for Summary Judgment, DE 82)
- Exhibit 87 2/15/01 Affidavit of Gary West regarding the investigation of the Doc and Angelica incident (PL 4104-4108)

- Exhibit 88 8/9/01 Letter from Jeannie Perron to Ron Dehaven regarding a previous letter to Feld Entertainment, Inc. of July 23, 2001 (PL 4145)
- Exhibit 89 8/10/01 Letter from Ron DeHaven to Jeannie Perron (PL 4147)
- Exhibit 90 3/28/00 Letter from Julie Strauss to Ron Dehaven regarding a February 1999 inspection at the CEC (FELD 25632-25633)
- Exhibit 91 Plaintiffs' 60-Day Notice Letters (12/21/98, 11/15/99, 4/12/01, 7/22/05)
- Exhibit 92 Documents reflecting Animal Protection Institute's Circus Advocacy Work
 API 4827-4937
 API 5549-5704
 API 2868-2873
 API 7203-7206
 API 7256-7259
 API Website (current)
- API Third Supplemental Interrogatory Responses (9/24/07)
- Exhibit 93 7/21/00 Memo from Diane Ward to Robert Gibbens (PL 12609-12611)
- Exhibit 94 Media concerning Tom Rider and the Ringling Brothers Circus
 Exhibit 94A Print Media (see Appendix A)
 Exhibit 94B Broadcast Media (see Appendix A)
- Exhibit 95 Legislation regarding Circus Practices
- | | | |
|----------------|---------------|----------------|
| PL 05405-05410 | API 1850-1852 | API 1962-1963 |
| FEI 38603 | API 1840-1849 | API 1993 |
| API 1886 | API 1888-1893 | API 4938-4939 |
| API 1912-1916 | API 2013-2015 | API 1398-1402 |
| API 5005-5011 | API 1909-1911 | API 3751-3752 |
| API 4955-4957 | API 1880-1883 | API 0653-0670 |
| API 1853-1855 | API 1976-1979 | API 0639-0642 |
| API 4977-4979 | API 1859-1879 | PL 08731-08734 |
- Exhibit 96 Feld Entertainment & Subsidiaries tax form number 1120 (2004) (Exhibit H to Plaintiffs' Opposition to Defendant Motion for Summary Judgment, DE 96)
- Exhibit 97 Dukceovich, Davide Forbes Face: Kenneth Feld, Forbes.com, 1/9/01(PL 5917-5918)
- Exhibit 98 8/6/04 Email from Kenneth Feld regarding Riccardo(FEI 30193)

- Exhibit 99 2006 Ringling Brothers and Barnum & Bailey Animal Care Brochure (PL 15735)
- Kirtland, John, Ort-Mabry, Catherine, and Jacobson, Gary, Endangered Species? Not If We Can Help It. Reproductive Success at Ringling Brothers Center for Elephant Conservation (FEI 719-749)
- Exhibit 100 Excerpts, Ringling Brothers Website (7/24/08)
- Show and Ticket Information
 - Animal Care FAQ, Answers by Bruce Read
 - Amazing Animals
 - Awesome Elephants; CEC
 - Animal Care; Get the Answers
- Excerpts, Center for Elephant Conservation Website (7/24/08)
- Home
 - About the Center for Elephant Conservation
 - Safety and Comfort in a Pristine Wilderness
 - Ringling Bros. Center for Elephant Conservation Facts & Figures
 - Asian Elephants by the Numbers
 - The Nursery
 - A Year in the Life of an Asian Elephant
 - Elephants Born in Ringling Bros. Breeding Program
 - Research & Conservation
 - Ringling Bros. Center for Elephant Conservation Media Contact Information
- Exhibit 101 Excerpts, Ringling Brothers Website (Current)
- Exhibit 102 Documents reflecting the TB status of Ringling Brothers Elephants (see Appendix A)
- Exhibit 103 Guidelines for the Control of Tuberculosis in Elephants (March 2008, 2003, Oct. 2002, Jan. 2000, Nov. 1997)
- PL 11034-11061 FELD 14386-14422 FELD 29774-29814
<http://www.usaha.org/committees/tb/tb.shtml>
- Exhibit 104 USDA Animal Care Resource Guide, 1/14/00 Policy #3
http://www.aphis.usda.gov/animal_welfare/downloads/policy/policy3.pdf
- Exhibit 105 5/12/06 Letter from Michelle Pardo to Kimberly Ockene regarding the production of elephant veterinary records
- Exhibit 106 9/7/00 Inspection Report of Ringling Brothers (FEI 629)

- Exhibit 107 5/3/06 Inspection Report of Ringling Brothers CEC (PL 13566)
- Exhibit 108 6/9/98 Inspection Report of Ringling Brothers CEC (FELD 063-064)
- Exhibit 109 8/27/01 Memorandum from Charmain Zordan to Diane Ward regarding additional information on Investigation #CA00136-AC (PL 4607)
- Exhibit 110 Internal Ringling Brothers Notes concerning an 6/9/04 inspection by the Ashville Animal Services (FEI 10893)
- Exhibit 111 Trial Testimony of Kenneth Feld, People for the Ethical Treatment of Animals v. Kenneth Feld, et al., No. 024452 (Cir. CT. Fairfax County, VA) (March 9, 2006, at 1894-2118)
- Exhibit 112 7/2004 - 8/2004 Handwritten Notes Regarding the Elephant India (FELD 9753)
- Exhibit 113 Plaintiffs' Expert Reports and Exhibits
- Exhibit 114 9/29/05 Declaration of Archele Hundley (API 6241-6248)
12/13/06 USDA Affidavit of Archele Hundley (PL 14350-14354)
- Exhibit 115 10/10/06 Declaration of Robert Tom, Jr. (API 6235-6240)
4/4/07 USDA Affidavit of Robert Tom, Jr. (PL 14501-14502)
- Exhibit 116 1/13/06 Letter from Margaret Tom to The Honorable Richard Daley regarding elephant abuse at Ringling Brothers (PL 10936)

4/4/07 USDA Affidavit of Margaret Tom (PL 14503-14504)
- Exhibit 117 Photographs of Ringling Brothers Elephants
- | | | |
|-----------------|---------------|-----------------|
| FEI 15434-15437 | FEI 7940-7943 | FEI 7970-7971 |
| FEI 7984-7985 | FEI 7990-7991 | FEI 7998-7999 |
| FEI 8016-8017 | FEI 8047-8049 | FEI 8058-8059 |
| FEI 8070-8075 | FEI 8080-8081 | FEI 8085- 8090 |
| FEI 8106-8121 | FEI 8124-8125 | FEI 8150-8154 |
| FEI 8161-8162 | FEI 8168-8169 | FEI 8175-8188 |
| FEI 8223-8225 | FEI 8232-8243 | FEI 8248-8251 |
| FEI 8257-8268 | FEI 8283-8284 | FEI 12201-12202 |
- Exhibit 118 Photographs taken during Court Ordered Inspection of The Center for Elephant Conservation (11/29/07) and the Blue Unit in Auburn Hills, MI (11/13/07)

PL 15010	PL 14992	PL 15000	PL 15143	PL 15145
PL 15148	PL 15150	PL 15051	PL 15072	PL 15086
PL 15018	PL 15017	PL 15121	PL 15118	PL 15543
PL 15548	PL 15600	PL 15601	PL 15602	PL 15652
PL 15661	PL 15688	PL 15725	PL 15727	

- Exhibit 119 8/23/99 Photographs taken by Christine Franco as part of a Santa Clara Humane Society Inspection of Ringling Brothers (PL 8318-8361)

- Exhibit 120 Photographs taken during 8/25/01 - 9/4/01 Humane Society of Santa Clara Valley Inspection of Ringing Brothers (FELD 28620-28625, FELD 28674-28677, FELD 28391)

- Exhibit 121 "Ringling Abuse" (PL 07074)

- Exhibit 122 PETA "Ringling Bullhooking Incidents in Greenville, SC on 2/1/06 (00-43:15) and 2/3/06 (26:58 - end) (PL 08982)

- Exhibit 123 Pat CuvIELLO Compilation (PL 07069)

- Exhibit 124 1987 Footage - PAWS Ringling Bros. Elephant Complaint (PL 070660)

- Exhibit 125 Ringling Bro's in Mexico 5/9/98-8/11/06 (PL 08979, Exhibit H to Edward Stewart's Deposition)

- Exhibit 126 Carson & Barnes Elephant Training (PL 14918)

- Exhibit 127 Footage of Austin Texas, July 2, 2006 (API 7166)

- Exhibit 128 Ringling - Angelica & Sara chained & Swaying (PL 08980)

#18 Ringling Bro's Oakland, Ca Aug 04 Violations 2-131(2)(1) Exhibit 3A to VA 05008 USDA Investigation (PL 14913)

- Exhibit 129 "Ringling Greatest Hits" (201 mins) (PL 07083)

- Exhibit 130 Ringling Brother's Elephants chained in boxcars, March 2000 (PL 08970)

- Exhibit 131 RB Blue Unit; Oakland, CA, San Jose, CA: Parking lot scene @6:45:35 7/11/06 (PL 08963)

- Exhibit 132 Compilation of video footage of elephants from 1987-2004 (Produced to Defendant on 3/20/08 along with Plaintiff's Expert Reports)

- Exhibit 133 Compilation (May 6, 2005) (Produced to Defendant' on 3/20/08 along with Plaintiff's Expert Reports)
(PL 08970, PL 08963, PL 08980, PL 08979, FELD-VID 0004, PL 08969)
- Exhibit 134 Blue Unit; Oakland & San Fransico (PL 08964)
- Exhibit 135 Compilation of Defendant Video Footage (Provided to Defendant on 6/10/08)
- | | | | | |
|-----------|-----------|-----------|-----------|-----------|
| FEI 40979 | FEI 45189 | FEI 45221 | FEI 45190 | FEI 45191 |
| FEI 40964 | FEI 40973 | FEI 45229 | FEI 45233 | FEI 45193 |
| FEI 45204 | FEI 45245 | FEI 45194 | FEI 45196 | FEI 45198 |
| FEI 45215 | FEI 45216 | FEI 40966 | | |
- Exhibit 136 Compilation of Defendant Performance Footage (Provided to Defendant on 6/10/08)
- | | | | | |
|-----------|----------|-----------|----------|----------|
| FEI 45220 | FEI 0022 | FEI 00024 | PL 08969 | FEI 3241 |
|-----------|----------|-----------|----------|----------|
- Exhibit 137 Compilation of PETA Footage (Provided to Defendant on 6/10/08) (PL 16717, API 7166)
- Exhibit 138 PETA Alleged Animal Welfare Act Violations by Ringling Bros. February - March 2006 (PL 16717)
- Exhibit 139 Training & Rehearsal Footage from Defendant (Provided to Defendant on 6/10/08)
- | | | |
|-----------|---------------|-----------|
| FEI 40988 | FEI 004 | FEI 0022 |
| FEI 40976 | FELD-VID 0004 | FEI 40956 |
| FEI 40979 | FEI 0001 | FEI 40981 |
| FEI 40959 | | |
- Exhibit 140 Plaintiffs Training Footage Compilation (Provided to Defendant on 6/10/08) (PL 07077, PL 14918, PL 09043, PL 09044)
- Exhibit 141 Baby Ricardo - Raw Birth Footage - unedited (FELD-VID 006, FEI 0019)
- Exhibit 142 Video footage of the Rule 34 Inspection at the Center for Elephant Conservation outside Polk City, Florida (11/29/07)
- Exhibit 143 Video footage of the Rule 34 Inspection of the Blue Unit in Auburn Hills, Michigan (11/13/07)

- Exhibit 144 "Our Girls Video" - The Elephant Sanctuary - www.elephants.com (PL 08973)
- Exhibit 145 Surveillance Video from Madison Square Garden
Ex. 5-1, 5-2, 5-3, 5-5, 5-6, 5-7, 5-10, 5-11, 5-12, 5-13, 5-14, 5-15, and 5-16 to Temistocles Nadal's Deposition (February 8, 2005)
- Surveillance Video from the MCI Center
Ex. 2-9 to David Clarence's Deposition (August 10, 2004)
- Exhibit 146 Pat CuvIELlo Recent Compilation - Ringling '05 and '06 (PL 17095)
- Exhibit 147 Video of Santa Clara Humane Society Inspection, San Jose, CA (7/99) (PL 08962)
- Exhibit 148 Hershey Animal Care Shoot, Tape 4 of 5 5/27/04, AC2004-004-01 (FEI 145224)
- Exhibit 149 #8 Interviews with: Kenneth Feld, Gunther Gebel Williams; Gunther's Triumphant Return RB000-381-R (FEI 45200)
- Exhibit 150 Baby 1/4/1996 (FEI 10362, 10368)

Additional Exhibits Plaintiffs Expect to Offer:

Plaintiffs' reserve the right to rely on any documents, videos, or audio recordings that may be released to plaintiffs' as a result of a pending in camera review by Judge Facciola

Plaintiffs' reserve the right to rely on all pleadings; Civ. No. 1641, Civ. No. 06-2003, and Civ. No. 07-1532

Plaintiffs' reserve the right to rely on compilations of evidence that may be made for the convenience of the Court

Plaintiffs' reserve the right to rely on enlargements and exemplars of Exhibits that may be shown at trial

B. Exhibits Plaintiffs May Offer:

- Exhibit 1 8/20/04 Affidavit of Frank Hagan regarding Investigation number AZ040156-AC
- Exhibit 2 5/4/00 Letter from Christine Franco to Bob Gibbens documenting her inspection of Ringling Brothers Red Unit on 8/23-29/99 (PL 4689-4691)

- Exhibit 3 7/25/00 Affidavit of Joel Parrott regarding the examination of photographs taken by Christine Franco (PL 4717-4718)
- Exhibit 4 8/2/99 Affidavit of William Lawler regarding the incident involving Benjamin (PL 10065-10070)
- Exhibit 5 Separation and Weaning of Young Elephants (FELD 19902-19906)
- Exhibit 6 Request from USDA to Julie Strauss regarding additional items needed for Investigation Number FL98026 and Julie Strauss' 11/4/04 response to this request (FELD 27825-27831)
- Exhibit 7 4/4/94 Animal Activist Activities with Related Materials to Same (FEI 38291-38299)
- Exhibit 8 Government Exhibit 3-R to Investigation Number AZ04156 (PL 13501)
- Exhibit 9 10/26/04 Report of Investigation for Case # AZ040156-AC (PL 13390-13426)
- Exhibit 10 8/12/04 Affidavit of Eugene Pettus regarding Investigation # AZ040156-AC (PL 13478-13480)
- Exhibit 11 5/14/01 Email from Diane Ward to Francis Keyser regarding Richard Froeming (PL 18037)
- Exhibit 12 8/30/00 Memo from Diane Ward to Samuel Santiago regarding case # CA00136-AC (PL 18025-18026, PL 4499-4500)
- Exhibit 13 Affidavits of Ringling Brothers Employees (FELD 25203-25209)
- Exhibit 14 8/24/00 Narrative from S. Taylor to M. Binkley regarding USDA Inspection (PL 4027-4028)
- Exhibit 15 5/31/00 Interview Log regarding case #OH00018-AC (FELD 896)
- Exhibit 16 11/23/02 Employee Tranquilizer Training – Red Unit Winter Quarters – Tampa, FL (FEI 1790)
- Exhibit 17 10/15/99 Notice of Written Warning (FEI 2756)
- Exhibit 18 10/29/01 Letter from Chester Gipson to Jeannie Perron and Julie Strauss (FELD 4969-4970)

- Exhibit 19 Care and Weaning of Young Elephants (FELD 29207-29209)
- Exhibit 20 4/4/94 Letter from Richard Froemming to Kenneth Feld (FEI 38233-38290)
- Exhibit 21 12/13/99 Email from Dennis Schmitt to Debbie Olson (FEI 18885-18886)
- Exhibit 22 10/22/07 Email from Customer Service regarding Ringling.com: Animal Care (FEI 49137)
- Exhibit 23 9/8/99 Email and attachment from Richard Froemming to Randy Peterson regarding Menage Number 130th (FEI 32603-32605)
- Exhibit 24 1/12/01 Affidavit of Miava Binkley concerning FL 01095 (PL 4067)
- Exhibit 25 9/9/99 Narrative concerning inspection oat the CEC (FEI 819-820)
- Exhibit 26 6/9/98 Inspection Report of Ringling Brothers CEC (FELD 063-064)
- Exhibit 27 2007 Animal Care Routine (FEI 49043-49063)
- Exhibit 28 1/20/00 AZA Press Release (API 6133-6135)
- Exhibit 29 3/21/00 AZA Policies on Elephants (API 3238-3239)
- Exhibit 30 Roberts, Ed, *Elephant Control*, June 1979, Elephant Keepers Forum (PL 16720-16724)
- Exhibit 31 3/23/05 Memo to USDA and APHIS (AWI 6643-6645)
- Exhibit 32 Complaint, Performing Animal Welfare Society et al. v. Feld Entertainment, Inc., et al., No. S-00-1259-GEB-DAD(E.D. Ca.)
- Exhibit 33 6/6/05 Letter from Julie Strauss to Adam (FEI 1572-1575)
- Exhibit 34 Memorandum Opinion, Jan Pottker, et al., v. Kenneth Feld, et al., No. 1999 CA 008068 B (Sup. Ct. D.C.)(August 14, 2008)
- Exhibit 35 3/22/07 Email from Kenneth Vail to Martine Frank (PL 14516)
- Exhibit 36 8/18/00 Email from Diane Ward to Robert Gibbens (PL 10993)
- Exhibit 37 3/23/99 Letter from Julie Straus to Bob Ertman regarding Ringling Brothers Annual Report (PL 1731-1732)

- Exhibit 38 4/2/01 Letter from Julie Strause to Bob Ertman regarding Ringling Brothers 2000 Annual Report (FELD 198-200)
- Exhibit 39 4/14/99 Letter from Ron DeHaven to Dr. Gary West regarding the 2/10/99 inspection at Ringling Brothers CEC (FELD 25617-25618)
- Exhibit 40 2/17/05 Email from Anita Santiago to Angelina Quevedo (FEI 11466-11467)
- Exhibit 41 12/8/04 Statement of Gary Jacobson (FELD 27834)
- Exhibit 42 4/30/07 Letter from Katherine Meyer to John Simpson
- Exhibit 43 7/17/02 Email from Todd Willens to Dan Hupart regarding IDA Ringling press release (FELD 28213-28215, FELD 24703-24704)
- Exhibit 44 Ringling Brothers Barnum & Bailey Circus Long-Term Animal Task Force (FEI 1840-1512)
- Exhibit 45 Krupp, Sarah, *Circus Vargas Reinvents Itself*, Contra Cost Times, 10/31/05 (Exhibit 8 to Plaintiffs' Opposition to Defendants Motion for Leave to Amend Answer to Assert Addition Defense and Rico Counterclaim, DE 132)
- Lemonick, Michael, *Who Belongs in the Zoo? It May be That Some Animals Just Can't Be Kept Humanely in Captivity, Zoos May Have to Reinvent Themselves—Once Again*, Time Magazine, 6/11/06 (Exhibit 9 to Plaintiffs' Opposition to Defendants Motion for Leave to Amend Answer to Assert Addition Defense and Rico Counterclaim, DE 132)
- Exhibit46 10/27/00 List of Young Ringling Elephants (FEI 15032)
- Exhibit 47 5/8/06 Letter from Dennis Schmitt to Ellen Wiedner regarding artificial insemination of traveling elephants (FEI 16624)
- Exhibit 48 1997-2002 AZA Elephant Master Plan (AWI 3690-3713)
- Exhibit 49 1/10/04 Email from Lindsay William to Ellen Wiedner (FEI 31846)
- Exhibit 50 5/12/92 Letter from Julie Strauss to Leslie Sweeney regarding PRT-720230 (PL 7666-7686)
- Exhibit 51 Affidavit of Claire George, Pottker v. Feld Entertainment, Inc., et al., Civ. No. 99-008068 (Sup. Ct. D.C.), (Exhibit 12 to Plaintiffs' Opposition to Defendants

Motion for Leave to Amend Answer to Assert Addition Defense and Rico Counterclaim, DE 132)

- Exhibit 52 6/20/94 Animal Activist Activities with Related Material to Same (FEI 38246-38272)
- Exhibit 53 10/23/04 Email from Dr. Lindsay William to Dr. Ellen Wiedner regarding Winter Quarters Animal Welfare Training (FEI 33503-Revised – 33506-Revised)
- Exhibit 54 Photographs taken during Court Ordered Inspection of The Center for Elephant Conservation (11/29/07) and the Blue Unit in Auburn Hills, MI (11/13/07)

PL 15052-15057	PL 15025	PL 15058
PL 15083	PL 15033	PL 15060
PL 15047	PL 15035	PL 15069
PL 15048	PL 15036	PL 15484
PL 15027	PL 15037	PL 15553
PL 14966	PL 15040	PL 15558
PL 14899	PL 14996	PL 15596
PL 14949	PL 14968	PL 15597
PL 14914	PL 14974	PL 15618
PL 14898	PL 14982	PL 15624
PL 14922	PL 15088	PL 15634
PL 15043	PL 15030	PL 15637
PL 14913	PL 14946-14949	PL 15644
PL 14910	PL 1494	PL 15646
PL 14908	PL 15037	PL 15650
PL 14905	PL 15024	PL 15654
PL 14903	PL 14982	PL 15656
PL 14897	PL 14978	PL 15704
PL 14926	PL 14986	PL 15707
PL 14931	PL 15071	PL 15710
PL 14949	PL 14960	PL 15713
PL 15019	PL 15007	PL 15722
PL 14924	PL 15140	PL 15730
PL 14927	PL 15141	PL 15731
PL 14928	PL 15008	PL 15152-15479
PL 15024	PL 14960	

Exhibit 55 Photograph of handler and elephant (FEI 7465)

Exhibit 56 #1 Feld Entertainment, RBBBC, 132d Blue, B-Roll Rehearsals, Clowns,

- Elephants, Warbrobe Juggling, Clown Alley; 12/10/2001 Tape 1 of 10 RB 132-018-01 (FEI 45204)
- Exhibit 57 #12/15/03 B-Roll rehearsals, Arena Winter Quarters Tampa, FL, Opening Rehearsal; Blue 134th Tape 17 of 24 RB134-046-01 (FEI 45196)
- Exhibit 58 USDA Inspection of Premises where Benjamin Died (8/12/99)(Produced to Defendants on 3/9/05)
- Exhibit 59 Elephant Birth – Sara, Camera 1&2 (FEI 10350)
- Exhibit 60 Elephant Birth, Gunther, Tape 1 of 2 (FEI 0017)
- Exhibit 61 Elephant Birth, Gunther, Tape 2 of 2 (FEI 0018)
- Exhibit 62 Birth of Romeo 1/10/1993 Tape #6 (FEI 10352)
- Exhibit 63 Alana, Irving Birth (FEI 38229)
- Exhibit 64 Icky Birth (FEI 38228)
- Exhibit 65 Mala Birth (FEI 38227)
- Exhibit 66 Emma 8/21/99 pm 8/22/99 am (FEI 40982)
- Exhibit 67 Emma 8/23-24/99 (FEI 40983)
- Exhibit 68 CEC: Birth Footage of Sara Tape B1 – 4/16/02 (FEI 40975)
- Exhibit 69 Emma 8/22/99 pm – 8/23/99 am (FEI 40984)
- Exhibit 70 Emma – 8/15 – 16/99 (FEI 40990)
- Exhibit 71 Why exotic animals should be banned?; Ringling PR Film; Ringling Conservation Center PR Film; Ringling Show 122nd edition; Gunther in Show; Interview with former RB employee Joe Heflin ('97); Carson & Barnes training footage; (PL 8969)
- Exhibit 72 PAWS - Best Friends (PL 7077)
- Exhibit 73 Sissy Beating -(50 minutes) (PL 9043)
- Exhibit 74 The Crusaders - Mickey the elephant (1 min) (PL 9044)

VI. PLAINTIFFS' DEPOSITION DESIGNATIONS:

Pursuant to the Court's directive, plaintiffs are also submitting, as Exhibit A, a CD-Rom that contains their deposition designations. The designations are as follows:

Andacht, James (1/30/08)

9:07 – 26:10
42:18 – 44:04
55:09 – 57:05
58:06 – 64:11
71:14 – 89:16
90:04 – 105:22
109:15 – 109:19
110:04 – 110:09
111:20 – 111:21
114:09 – 120:10
120:17 – 133:14
138:18 – 153:20
162:16 – 163:10
175:01 – 177:02
182:01 – 182:04
185:02 – 189:08
196:06 – 213:12
214:19 – 221:12
227:12 – 231:12
237:12 – 246:14
247:01 – 249:10
250:11 – 253:18
255:03 – 257:21
260:19 – 261:01
270:03 – 271:07

Clarence, David (8/10/04)

01:01 – 115:06

Feld, Kenneth (1/16/08)

07:02 – 09:17
10:18 – 13:13
15:03 – 20:06
21:21 – 27:10

28:02 – 28:18
31:18 – 38:17
42:02 – 42:06
42:19 – 43:20
46:08 – 51:17
51:21 – 77:13
82:04 – 82:11
89:04 – 103:20
108:16 – 111:18
113:04 – 156:02
159:03 – 159:09
159:15 – 163:12
164:01 – 167:03
167:14 – 169:04
170:16 – 185:04
191:01 – 191:22
192:15 – 209:14
211:13 – 235:09
236:03 – 243:13
245:10 – 247:04
257:11 – 274:03
278:02 – 301:05
302:03 – 305:05
308:14 – 308:21
319:04 – 329:15
321:29 – 331:07
333:20 – 339:06

Frisco, Joseph Jr. (12/7/07)

20:03 – 22:20
33:18 – 56:21
65:22 – 76:12
79:17 – 86:06
112:08 – 164:06
169:17 – 173:18
180:01 – 181:09
182:06 – 207:20
211:19 – 254:21
270:04 – 272:20
277:03 – 283:17
304:09 – 313:03
316:01 – 334:18

335:05 – 359:09
361:18 – 362:09

Hagan, Frank (11/9/04)

05:01 – 13:25
15:01 – 25:12
30:02 – 44:13
57:18 – 73:02
85:17 – 97:25
98:04 – 123:25
178:05 – 183:22

Houcke, Sacha (1/7/08)

05:21 – 08:03
61:12 – 66:06
73:14 – 73:17
79:08 – 89:16
91:07 – 96:17
99:01 – 103:12
109:01 – 112:25
116:01 – 116:18
118:02 – 130:01

Jacobson, Gary (10/24/07)

07:09 – 07:19
14:03 – 47:12
59:01 – 105:18
123:07 – 128:15
136:14 – 141:12
151:01 – 164:17
169:21 – 179:05
187:06 – 191:07
197:12 – 203:06
207:13 – 219:10
219:18 – 226:10
236:20 – 249:09
255:21 – 258:20
260:05 – 262:08
263:21 – 267:09
269:07 – 285:19

298:19 – 302:13
314:01 – 315:10
326:06 – 326:17
334:01 – 348:07
360:20 – 382:03

Jacobson, Gary (11/20/07)

06:07 – 27:17
29:02 – 30:21
43:03 – 50:15
54:02 – 68:16
79:13 – 79:22
80:04 – 86:12
89:03 – 104:12

Jacobson, Gary (1/18/08)

01:01 – 266:22

Metzler, Troy (7/25/06)

05:11 – 06:21
08:13 – 88:11
93:05 – 152:14
179:04 – 181:02
186:20 – 221:13
235:15 – 244:05
245:01 – 247:19
257:05 – 263:05
271:17 – 290:20
298:16 – 307:22
323:12 – 338:18
342:02 – 354:04
357:09 – 368:19
371:12 – 385:15
391:22 – 394:09
404:01 – 405:07

Nadal, Temistocles (2/8/05)

01:01 – 119:11

Ramos, Gerald (1/24/07)

11:08 – 17:13

68:01 – 72:14

78:06 – 79:23

87:24 – 95:07

Ridley, Robert (8/25/06)

08:01 – 57:19

63:23 – 72:14

72:24 – 77:02

78:19 – 81:09

87:01 – 87:08

87:24 – 88:06

91:21 – 113:08

116:14 - 117:24

120:25 – 122:09

128:04 – 131:25

134:14 – 140:12

Swart, Betsy (3/18/05)

05:06

06:19 – 07:23

23:03 – 24:22

44:07 – 44:24

49:17 – 71:18

73:02 – 75:03

108:08 – 109:23

Stewart, Edward (8/16/04)

04:24 – 10:14

10:24 – 16:24

18:11 – 19:10

34:06 – 37:05

37:08 – 43:04

46:09 – 64:21
67:01 – 75:19
79:14 – 81:01
87:13 – 89:19
95:12 – 98:07
108:23 – 110:19
134:18 – 135:23
142:15 – 146:02

Tom, Margaret (12/17/07)

05:02 – 05:14
06:22 – 09:08
14:06 – 15:01
15:15 – 36:02
44:14 – 49:22
54:03 – 55:14

Vargas, Alejandro (5/31/07)

12:06 – 56:02
68:02 – 70:08
74:03 – 75:18
80:17 – 83:22
86:15 – 98:11
102:01 – 107:12
112:07 – 121:01
122:01 – 139:19
146:03 – 147:06
152:01 – 153:02
154:08 – 161:09
186:14 – 189:20
197:16 – 198:13
227:19 – 242:16

VII. ITEMIZATION OF DAMAGES

This section does not apply in this case.

VIII. REQUEST FOR RELIEF SOUGHT BY PLAINTIFFS:

Plaintiffs request that the Court issue an Order containing the following relief:

1. Declare that FEI's treatment of the elephants violates the ESA and that statute's implementing regulations;

2. Enjoin FEI from continuing to violate the ESA and that statute's implementing regulations with respect to the elephants in its possession;
3. Enjoin FEI from harming, harassing, wounding, and otherwise "taking" endangered elephants;
4. Enjoin FEI from continuing to take the Asian elephants by transporting them in railroad cars as part of the routine operation of the circus;
5. Enjoin FEI from continuing to take the Asian elephants by maintaining them in chains except as is necessary to provide them with veterinary care, or as otherwise necessary to protect the health and welfare of the elephants;
6. Enjoin FEI from continuing to take the endangered elephants by maintaining them at the CEC or any other facility on hard surfaces;
7. Enjoin FEI from continuing to "take" any endangered Asian elephants by striking, hitting, hooking, or threatening to strike, hit, or hook them with bull hooks or any other instruments;
8. Award plaintiffs their reasonable attorneys' fees and costs for this action; and
9. Grant plaintiffs such other and further relief as may be just and proper.

IX. STIPULATIONS

Pursuant to the Court's First Amended Pretrial Order, stipulations are due on September 29, 2008.

X. TRIAL BRIEF

Pursuant to the Court's First Amended Pretrial Order, trial briefs are due on September 29, 2008.

XI. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Plaintiffs' pretrial proposed findings of fact and conclusions of law are attached hereto as Exhibit B.

Respectfully submitted,

/s/ Katherine A. Meyer

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August 29, 2008

Appendix A:**Exhibit 49A: Blue Unit Transportation Orders dated 2000-2008**

FELD 3381	FELD 3974	FELD 3991	FELD 4028
FELD 3390	FELD 3981	FELD 4004	FELD 4033
FELD 3411	FELD 3985	FELD 4037	FELD 4046
FELD 3430	FELD 4015	FELD 4052	FELD 4073
FELD 3481	FELD 4020	FELD 4055	FELD 4075
FELD 3496	FELD 4048	FELD 3388	FELD 3395
FELD 3535	FELD 4071	FELD 3401	FELD 3400
FELD 3551	FELD 3397	FELD 3432	FELD 3404
FELD 3557	FELD 3424	FELD 3482	FELD 3413
FELD 3570	FELD 3436	FELD 3498	FELD 3419
FELD 3595	FELD 3437	FELD 3503	FELD 3440
FELD 3616	FELD 3446	FELD 3537	FELD 3445
FELD 3620	FELD 3449	FELD 3550	FELD 3457
FELD 3632	FELD 3462	FELD 3571	FELD 3470
FELD 3683	FELD 3468	FELD 3597	FELD 3483
FELD 3693	FELD 3488	FELD 3604	FELD 3511
FELD 3701	FELD 3504	FELD 3612	FELD 3519
FELD 3715	FELD 3509	FELD 3624	FELD 3527
FELD 3726	FELD 3520	FELD 3633	FELD 3559
FELD 3774	FELD 3526	FELD 3697	FELD 3586
FELD 3779	FELD 3545	FELD 3724	FELD 3588
FELD 3787	FELD 3561	FELD 3776	FELD 3623
FELD 3793	FELD 3581	FELD 3786	FELD 3656
FELD 3802	FELD 3641	FELD 3803	FELD 3668
FELD 3811	FELD 3649	FELD 3813	FELD 3675
FELD 3824	FELD 3666	FELD 3815	FELD 3679
FELD 3832	FELD 3677	FELD 3816	FELD 3686
FELD 3849	FELD 3706	FELD 3826	FELD 3692
FELD 3858	FELD 3733	FELD 3834	FELD 3734
FELD 3871	FELD 3736	FELD 3851	FELD 3743
FELD 3877	FELD 3758	FELD 3856	FELD 3753
FELD 3893	FELD 3769	FELD 3881	FELD 3760
FELD 3894	FELD 3837	FELD 3897	FELD 3771
FELD 3916	FELD 3840	FELD 3918	FELD 3782
FELD 3926	FELD 3866	FELD 3928	FELD 3795
FELD 3933	FELD 3870	FELD 3951	FELD 3839
FELD 3948	FELD 3883	FELD 3959	FELD 3863
FELD 3949	FELD 3890	FELD 3967	FELD 3869
FELD 3957	FELD 3905	FELD 3970	FELD 3889
FELD 3965	FELD 3912	FELD 3997	FELD 3936
FELD 3969	FELD 3942	FELD 4008	FELD 3943
FELD 3973	FELD 3983	FELD 4017	FELD 3993

FELD 4006	FELD 4010	FEI 48824	FEI 48707
FELD 4013	FELD 4030	FEI 48825	FEI 48708
FELD 4056	FELD 4035	FEI 48826	FEI 48709
FEI 48662-48663	FELD 4050	FEI 48745	FEI 48710
FEI 48664	FELD 4064	FEI 48746	FEI 48711
FEI 48665	FELD 4065	FEI 48747	FEI 48712
FEI 48666	FEI 48785	FEI 48748	FEI 48713
FEI 48667-48668	FEI 48786	FEI 48749	FEI 48714
FEI 48669-48670	FEI 48787	FEI 48750	FEI 48716
FEI 48671-48672	FEI 48788	FEI 48751	FEI 48717
FEI 48673-48674	FEI 48789	FEI 48752	FEI 48718
FEI 48675-48676	FEI 48790-48791	FEI 48753	FEI 48719
FEI 48677-48678	FEI 48792	FEI 48754	FEI 48720
FEI 48679-48680	FEI 48793	FEI 48755	FEI 48721
FEI 48681-48682	FEI 48794	FEI 48756	FEI 48722
FEI 48683-48684	FEI 48795	FEI 48757	FEI 48723
FEI 48685-48686	FEI 48796	FEI 48758	FEI 48725
FEI 48687-48688	FEI 48797	FEI 48759	FEI 48725
FEI 48689-48690	FEI 48798	FEI 48760	FEI 48726
FEI 48691	FEI 48799	FEI 48761	FEI 48727
FEI 48692-48693	FEI 48800	FEI 48762	FEI 48728
FEI 48694-48695	FEI 48801	FEI 48763	FEI 48729
FEI 48696	FEI 48802	FEI 48764	FEI 48730
FEI 48697	FEI 48803	FEI 48765	FEI 48731
FEI 48698	FEI 48804	FEI 48766	FEI 48733
FEI 48699	FEI 48805	FEI 48767	FEI 48734
FEI 48700	FEI 48806	FEI 48768	FEI 48735
FELD 3402	FEI 48807	FEI 48769	FEI 48736
FELD 3435	FEI 48808	FEI 48770	FEI 48737
FELD 3554	FEI 48809	FEI 48771	FEI 48738
FELD 3602	FEI 48810	FEI 48772	FEI 48739
FELD 3606	FEI 48811	FEI 48773	FEI 48740
FELD 3615	FEI 48812	FEI 48774	FEI 48741
FELD 3626	FEI 48813	FEI 48775	FEI 48742
FELD 3635	FEI 48814	FEI 48776	FEI 48743
FELD 3664	FEI 48815	FEI 48777	FEI 48744
FELD 3792	FEI 48816	FEI 48778	FEI 48701
FELD 3801	FEI 48817	FEI 48779	FEI 48702
FELD 3835	FEI 48818	FEI 48780	FEI 48703
FELD 3842	FEI 48819	FEI 48781	FEI 48704
FELD 3874	FEI 48820	FEI 48782	FEI 48705
FELD 3903	FEI 48821	FEI 48783	
FELD 3909	FEI 48822	FEI 48784	
FELD 3921	FEI 48823	FEI 48706	

Exhibit 49B: Red Unit Transportation Orders dated 2000-2008

FELD 3396	FELD 3408	FELD 4045	FELD 3389
FELD 3423	FELD 3416	FELD 4072	FELD 3417
FELD 3439	FELD 3434	FELD 3398	FELD 3433
FELD 3453	FELD 3475	FELD 3403	FELD 3478
FELD 3456	FELD 3476	FELD 3412	FELD 3499
FELD 3467	FELD 3497	FELD 3425	FELD 3539
FELD 3472	FELD 3536	FELD 3427	FELD 3553
FELD 3487	FELD 3552	FELD 3438	FELD 3572
FELD 3501	FELD 3567	FELD 3444	FELD 3601
FELD 3507	FELD 3596	FELD 3450	FELD 3605
FELD 3508	FELD 3603	FELD 3459	FELD 3613
FELD 3518	FELD 3611	FELD 3469	FELD 3625
FELD 3525	FELD 3628	FELD 3471	FELD 3634
FELD 3530	FELD 3636	FELD 3489	FELD 3648
FELD 3540	FELD 3647	FELD 3502	FELD 3696
FELD 3544	FELD 3658	FELD 3510	FELD 3716
FELD 3565	FELD 3684	FELD 3516	FELD 3725
FELD 3566	FELD 3690	FELD 3528	FELD 3791
FELD 3574	FELD 3703	FELD 3529	FELD 3800
FELD 3580	FELD 3704	FELD 3558	FELD 3806
FELD 3592	FELD 3723	FELD 3584	FELD 3807
FELD 3640	FELD 3780	FELD 3587	FELD 3808
FELD 3643	FELD 3790	FELD 3593	FELD 3820
FELD 3652	FELD 3799	FELD 3621	FELD 3821
FELD 3669	FELD 3812	FELD 3655	FELD 3827
FELD 3671	FELD 3825	FELD 3663	FELD 3831
FELD 3687	FELD 3833	FELD 3667	FELD 3852
FELD 3708	FELD 3850	FELD 3672	FELD 3857
FELD 3738	FELD 3855	FELD 3714	FELD 3879
FELD 3757	FELD 3878	FELD 3729	FELD 3892
FELD 3768	FELD 3901	FELD 3759	FELD 3902
FELD 3804	FELD 3917	FELD 3764	FELD 3906
FELD 3841	FELD 3927	FELD 3770	FELD 3919
FELD 3865	FELD 3930	FELD 3783	FELD 3922
FELD 3882	FELD 3950	FELD 3867	FELD 3934
FELD 3904	FELD 3958	FELD 3884	FELD 3952
FELD 3939	FELD 3966	FELD 3940	FELD 3953
FELD 3990	FELD 3975	FELD 3992	FELD 3960
FELD 4003	FELD 3980	FELD 4000	FELD 3961
FELD 4022	FELD 3999	FELD 4005	FELD 3998
FELD 4060	FELD 4016	FELD 4021	FELD 4019
FELD 4069	FELD 4027	FELD 4042	FELD 4024
FELD 3387	FELD 4034	FELD 4058	FELD 4025

FELD 4029	FELD 3935	FEI 48606	FEI 48621
FELD 4031	FELD 4009	FEI 48607	FEI 48622
FELD 4047	FELD 4039	FEI 48878	FEI 48623
FELD 4070	FELD 4057	FEI 48879	FEI 48624
FEI 48827	FELD 4059	FEI 48880	FEI 48625
FEI 48828-48829	FELD 4066	FEI 48881	FEI 48626
FEI 48830-48831	FELD 48870	FEI 48882	FEI 48627
FEI 48832	FEI 48564	FEI 48883	FEI 48628
FEI 48833-48834	FEI 48565	FEI 48884	FEI 48629
FEI 48835-48836	FEI 48566	FEI 48885	FEI 48630
FEI 48837-48839	FEI 48567	FEI 48886	FEI 48631
FEI 48840-48842	FEI 48568	FEI 48887	FEI 48632
FEI 48843-48844	FEI 48569	FEI 48888	FEI 48633
FEI 48845-48846	FEI 48570	FEI 48889	FEI 48634
FEI 48847-48848	FEI 48571	FEI 48890	FEI 48635
FEI 48849-48850	FEI 48572	FEI 48891	FEI 48636
FEI 48851-48852	FEI 48573	FEI 48892	FEI 48637
FEI 48853-48854	FEI 48574	FEI 48893	FEI 48638
FEI 48855-48856	FEI 48575	FEI 48894	FEI 48639
FEI 48857-48859	FEI 48576	FEI 48895	FEI 48640
FEI 48860-48861	FEI 48577	FEI 48896	FEI 48641
FEI 48862-48863	FEI 48578	FEI 48897	FEI 48642
FEI 48864-48865	FEI 48579	FEI 48898	FEI 48643
FEI 48866-48867	FEI 48580	FEI 48899	FEI 48644
FEI 48868-48869	FEI 48581	FEI 48900	FEI 48645
FEI 48871	FEI 48582	FEI 48901	FEI 48646
FEI 48873	FEI 48583	FEI 48902	FEI 48647
FEI 48875	FEI 48584-48585	FEI 48903	FEI 48648
FEI 48876-48877	FEI 48586	FEI 48904	FEI 48649
FELD 3382	FEI 48587	FEI 48905	FEI 48650
FELD 3399	FEI 48588	FEI 48906	FEI 48651
FELD 3426	FEI 48589	FEI 48907	FEI 48652
FELD 3458	FEI 48590	FEI 48908	FEI 48653
FELD 3463	FEI 48591	FEI 48909	FEI 48654
FELD 3491	FEI 48592	FEI 48910	FEI 48655
FELD 3515	FEI 48593	FEI 48911	FEI 48608
FELD 3531	FEI 48594	FEI 48912	FEI 48609
FELD 3560	FEI 48595	FEI 48913	FEI 48610
FELD 3562	FEI 48598	FEI 48914	FEI 48611
FELD 3637	FEI 48599	FEI 48915	FEI 48614
FELD 3678	FEI 48600	FEI 48615	FEI 48656
FELD 3707	FEI 48601	FEI 48616	FEI 48657
FELD 3740	FEI 48602	FEI 48617	FEI 48658
FELD 3762	FEI 48603	FEI 48618	FEI 48659
FELD 3772	FEI 48604	FEI 48619	FEI 48660
FELD 3885	FEI 48605	FEI 48620	FEI 48661

Exhibit 49C: Blue and Red Unit Transportation Orders dated 1997-1999

FELD 3394	FELD 3555	FELD 3744	FELD 3819
FELD 3405	FELD 3582	FELD 3745	FELD 3861
FELD 3410	FELD 3583	FELD 3746	FELD 3886
FELD 3418	FELD 3585	FELD 3748	FELD 3937
FELD 3420	FELD 3622	FELD 3749	FELD 3941
FELD 3441	FELD 3651	FELD 3750	FELD 3954
FELD 3451	FELD 3661	FELD 3754	FELD 3968
FELD 3460	FELD 3662	FELD 3755	FELD 3978
FELD 3461	FELD 3673	FELD 3763	FELD 3987
FELD 3464	FELD 3688	FELD 3765	FELD 4014
FELD 3484	FELD 3712	FELD 3773	FELD 4038
FELD 3512	FELD 3713	FELD 3775	FELD 4041
FELD 3517	FELD 3731	FELD 3785	FELD 4054
FELD 3522	FELD 3739	FELD 3814	FELD 4062
FELD 3541	FELD 3741	FELD 3817	FELD 4063
FELD 3380	FELD 3847	FELD 3486	FELD 3989
FELD 3385	FELD 3860	FELD 3506	FELD 4001
FELD 3393	FELD 3872	FELD 3514	FELD 4002
FELD 3429	FELD 3880	FELD 3521	FELD 4023
FELD 3479	FELD 3899	FELD 3524	FELD 4026
FELD 3494	FELD 3910	FELD 3532	FELD 4040
FELD 3533	FELD 3914	FELD 3543	FELD 4068
FELD 3548	FELD 3920	FELD 3556	FELD 3378
FELD 3568	FELD 3924	FELD 3564	FELD 3383
FELD 3599	FELD 3929	FELD 3576	FELD 3384
FELD 3614	FELD 3946	FELD 3579	FELD 3392
FELD 3619	FELD 3955	FELD 3590	FELD 3428
FELD 3629	FELD 3963	FELD 3610	FELD 3477
FELD 3646	FELD 3976	FELD 3639	FELD 3492
FELD 3659	FELD 3979	FELD 3654	FELD 3493
FELD 3680	FELD 3984	FELD 3670	FELD 3538
FELD 3695	FELD 3995	FELD 3674	FELD 3547
FELD 3702	FELD 4007	FELD 3691	FELD 3573
FELD 3705	FELD 4011	FELD 3732	FELD 3575
FELD 3718	FELD 4044	FELD 3761	FELD 3591
FELD 3721	FELD 4076	FELD 3767	FELD 3598
FELD 3730	FELD 3407	FELD 3805	FELD 3608
FELD 3777	FELD 3422	FELD 3836	FELD 3618
FELD 3788	FELD 3443	FELD 3838	FELD 3627
FELD 3797	FELD 3448	FELD 3864	FELD 3631
FELD 3809	FELD 3455	FELD 3888	FELD 3645
FELD 3823	FELD 3466	FELD 3944	FELD 3657
FELD 3830	FELD 3474	FELD 3986	FELD 3694

FELD 3698	FELD 4047	FELD 3737	FELD 3660
FELD 3699	FELD 3406	FELD 3742	FELD 3681
FELD 3709	FELD 3409	FELD 3756	FELD 3689
FELD 3717	FELD 3421	FELD 3766	FELD 3700
FELD 3720	FELD 3442	FELD 3862	FELD 3719
FELD 3727	FELD 3447	FELD 3887	FELD 3722
FELD 3751	FELD 3452	FELD 3891	FELD 3778
FELD 3752	FELD 3454	FELD 3925	FELD 3784
FELD 3781	FELD 3465	FELD 3938	FELD 3789
FELD 3794	FELD 3485	FELD 3977	FELD 3798
FELD 3796	FELD 3490	FELD 3988	FELD 3810
FELD 3822	FELD 3500	FELD 4051	FELD 3828
FELD 3844	FELD 3505	FELD 4053	FELD 3829
FELD 3859	FELD 3513	FELD 4061	FELD 3848
FELD 3868	FELD 3523	FELD 4067	FELD 3854
FELD 3875	FELD 3542	FELD 3379	FELD 3873
FELD 3898	FELD 3546	FELD 3386	FELD 3876
FELD 3911	FELD 3563	FELD 3414	FELD 3900
FELD 3913	FELD 3577	FELD 3415	FELD 3907
FELD 3923	FELD 3578	FELD 3431	FELD 3915
FELD 3931	FELD 3589	FELD 3480	FELD 3932
FELD 3945	FELD 3638	FELD 3495	FELD 3947
FELD 3954	FELD 3642	FELD 3534	FELD 3956
FELD 3962	FELD 3644	FELD 3549	FELD 3964
FELD 3972	FELD 3653	FELD 3569	FELD 3971
FELD 3982	FELD 3665	FELD 3600	FELD 3996
FELD 3994	FELD 3676	FELD 3607	FELD 4032
FELD 4018	FELD 3711	FELD 3609	FELD 4049
FELD 4036	FELD 3728	FELD 3617	
FELD 4043	FELD 3735	FELD 3630	

Exhibit 94A: Print Media

A 686-687	API 1416-1417	API 4348	AWI 1554
A 693	API 1418-1419	API 4645-4646	AWI 1557
A 694	API 1420-1421	API 4695	AWI 1624-1629
A 698	API 1422-1423	API 4715-4718	AWI 1745-1749
A 700	API 1438-1439	API 4743-4744	AWI 1765
A 729	API 1447	API 4808-4812	AWI 1832-1833
A 730-731	API 1606-1607	API 5160-5161	AWI 1838-1840
A 751	API 1627-1629	API 5415-5417	AWI 6041
A 755	API 1788	API 5464-5465	AWI 6042-6043
API 1097	API 2087-2088	API 5566-5568	AWI 6044-6046
API 1192	API 2107-2109	API 5683-5684	AWI 6047-6050
API 1352	API 3420-3423	API 5715-5718	AWI 6051-6052
API 1413-1415	API 4308-4309	API 5926-5928	AWI 6054

AWI 6055-6056	PL 05932-5933	PL 11301-11303	PL 15779-15800
AWI 6057	PL 05934-5935	PL 11304-11305	PL 15814-15855
AWI 6059	PL 05947-5948	PL 11306-11307	PL 15863-16162
AWI 7254	PL 05949-5951	PL 11308	PL 180141-18044
AWI 9027-9030	PL 05958-5961	PL 11309-11310	TR 7
F 0809-0815	PL 05964-5972	PL 11311-11312	TR 15-22
F 0816-0817	PL 05973-5976	PL 11313-11315	TR 23
F 0819-0821	PL 05987-5989	PL 11316-11319	TR 29-30
F 0864	PL 05990-5991	PL 11320-11321	TR 40
F 0891-0893	PL 05992-5993	PL 11322-11323	TR 42-43
F 0931-0933	PL 05994-5995	PL 11324-11326	TR 44
F 0945-0947	PL 06002	PL 11327-11328	TR 49-51
F 0953-0954	PL 06070-6072	PL 11329-11330	TR 54
F 0994-0996	PL 06075-6077	PL 11331-11334	TR 55-57
F 1948	PL 06078-6079	PL 11335-11337	TR 111-120
F 1949	PL 06085-6086	PL 11338-11340	TR 154-155
F 3987-3988	PL 08371-8372	PL 11341-11342	TR 212
F 4062-4064	PL 08371-8372	PL 11343-11346	FELD 24192
F 4077-4079	PL 08752	PL 11347	FELD 24159-24164
PL 008-016	PL 08769-8796	PL 11348-11349	FELD 24175-24178
PL 042	PL 10408-10409	PL 11350-11357	FELD 24179-24181
PL 05126-5129	PL 10414-10415	PL 11358-11367	FELD 24182-24183
PL 05136-5138	PL 11271-11272	PL 11368-11369	FELD 24184-24187
PL 05176	PL 11273-11276	PL 11370-11371	FELD 24193-24194
PL 05205-5206	PL 11277-11279	PL 11372	FELD 24688-24700
PL 05239-5241	PL 11280-11283	PL 11373	FELD 28598
PL 05851	PL 11284-11285	PL 11374	FELD 28999-29001
PL 05907-5908	PL 11286-11287	PL 11375	FELD 24171-24174
PL 05922-5926	PL 11294-11300	PL 11379-11380	FEI 1540

Exhibit 94B: Broadcast Media

PL 7071	PL 8974	PL 18039	TR 203
PL 7072	PL 8975	PL 18040	TR 204
PL 7081	PL 14916	PL 18045	
PL 8970	PL 14917	TR 199	

Exhibit 15 to Plaintiffs' Opposition to Defendant Motion for Leave to Amend Answer to Assert Addition Defense and Rico Counterclaim, DE 132

Exhibit A to Defendant Motion to Cease and Desist, DE 160

Exhibit 102: Documents reflecting the TB status of Ringling Brothers ElephantsTB + Trunk Washes

FEI 37856-37860	FEI 46865-46866	FELD 12320-12322	FELD 15129
FEI 37861-37862	FEI 47069-47070	FELD 12324-12326	FELD 15251
FEI 37868-37870	FEI 47073-47079	FELD 12327-12329	FELD 15252
FEI 37871-37872	FEI 47082-47083	FELD 12330-12332	FELD 15253
FEI 37877-37879	FEI 47160-47162	FELD 12336	FELD 15256
FEI 40998-41000	FEI 47169-47173	FELD 12737-12739	FELD 15312
FEI 41049-41051	FEI 47374-47387	FELD 12747-12749	FELD 15327
FEI 41080-41082	FEI 47429-47430	FELD 12750-12751	FELD 15328
FEI 41686-41688	FEI 47467-47469	FELD 13022	FELD 15333
FEI 41833-41834	FEI 47606-47607	FELD 13911	FELD 15544
FEI 41920-41921	FEI 48507-48508	FELD 13914-13917	FELD 15545
FEI 42930-42933	FEI 48525-48526	FELD 13929	FELD 15546
FEI 42942-42943	FEI 48539-48541	FELD 13930	FELD 15547
FEI 43160-43169	FELD 9899-9907	FELD 14279-14281	FELD 15549
FEI 43239-43244	FELD 9916-9920	FELD 14291-14293	FELD 15550
FEI 43250-43251	FELD 9924-9925	FELD 14295-14296	FELD 15551
FEI 43359-43363	FELD 9926-9927	FELD 14297-14298	FELD 16275-16277
FEI 43448-43449	FELD 9928-9929	FELD 14355-14357	FELD 16278-16279
FEI 44569	FELD 9930-9931	FELD 14361-14363	FELD 16288-16296
FEI 44572-44573	FELD 10248	FELD 14641	FELD 16397
FEI 44575-44576	FELD 10788	FELD 14642	FELD 25029
FEI 44579-44580	FELD 11700-11701	FELD 14643	FELD 25030
FEI 45744-45748	FELD 12309	FELD 14652	FELD 25164
FEI 46689-46690	FELD 12314-12315	FELD 14794	FELD 26814
FEI 46863-46864	FELD 12318-12319	FELD 15105	

Trunk Wash Summaries

FEI 15299	FEI 33094-33098	FELD 8112-8113	PL 12603-12605
FEI 15301	FELD 8096-8097	FELD 23303-	
FEI 15398	FELD 8101-8102	23305	
FEI 17496	FELD 8104	FELD 28958	
FEI 21512	FELD 8107	PL 12516	

TB Treatment Summaries:

FEI 15398	FEI 41294	FEI 46807	FEI 51425
FEI 41148	FEI 41295	FEI 46809	FEI 51426
FEI 41287	FEI 46031	FEI 46818	FEI 51427
FEI 41288	FEI 46756	FEI 46819	FEI 51430
FEI 41289	FEI 46762	FEI 46832	FEI 51433
FEI 41290	FEI 46770	FEI 46833	FEI 51434
FEI 41291	FEI 46771	FEI 46836	FEI 51441
FEI 41292	FEI 46772	FEI 51424	FEI 51442

FEI 51445	FELD 9239	FELD 18853	FELD 19940
FEI 51446	FELD 9865	FELD 19699	FELD 19944
FEI 51474	FELD 10144	FELD 19908	FELD 20227-20229
FELD 8103	FELD 11188	FELD 19911	FELD 22450
FELD 8116	FELD 11656	FELD 19916	FELD 23306
FELD 8683	FELD 12501	FELD 19917	FELD 23978
FELD 8690	FELD 12503	FELD 19920	FELD 24735
FELD 8692	FELD 12797	FELD 19925	FELD 24737
FELD 8695	FELD 18753	FELD 19937	FELD 28961

TB (+) Necropsies:

FEI 15231	FEI 48094-48100	FEI 50475-50476	FELD 22943-22949
FEI 33493-33495	FEI 48106-48111	FELD 12803	FELD 22977-22982
FEI 45110-45113	FEI 50194-50195	FELD 12806-12801	FELD 6699-7001

Other Tests that show TB (+)

FEI 29492-29498	FELD 14033	FELD 14904	FELD 24817
FELD 8094-8095	FELD 14034	FELD 15537	FELD 25040
FELD 8655-8657	FELD 14443	FELD 24803	FELD 25129
FELD 11284	FELD 14464	FELD 24811	PL 1931-1955
FELD 12633	FELD 14465	FELD 24815	PL 11131
FELD 13928	FELD 14794	FELD 24816	PL 11242

Quarantines:

PL 8305	FEI 2210	FEI 48112-48113	PL 13752
FEI 2746-2747	FEI 2212-2213	FEI 45519-45521	PL 13754
PL 11243	FEI 2264-2265	FELD 44356-44357	FEI 32519-Revised

Other TB Related Documents

AWI 6628-6629	FEI 21468	FEI 25708	FEI 33496
F 4337-4338	FEI 21630	FEI 25723	FEI 34004
FEI 0631	FEI 2268-2269	FEI 2741	FEI 34203-34204
FEI 12469	FEI 2273	FEI 29639	FEI 36219
FEI 13154	FEI 22821	FEI 29703-29712	FEI 36220
FEI 15232	FEI 23077	FEI 31076-31077	FEI 39991
FEI 15267	FEI 23111	FEI 31085	FEI 41156
FEI 20732	FEI 23426	FEI 31832	FEI 44302
FEI 21212	FEI 2406-2410	FEI 32514	FEI 44332
FEI 21215	FEI 25317	FEI 32528-32529	FEI 44509
FEI 21304	FEI 25480	FEI 32577-32581	FEI 45974
FEI 21310-21311	FEI 25498	FEI 32587-32594	FEI 46148
FEI 21354-21355	FEI 25499-25501	FEI 32602	FEI 48045
FEI 21358	FEI 25511	FEI 32602	FEI 48068
FEI 21361-21362	FEI 25646	FEI 33270	FELD 7839
FEI 21423	FEI 25646	FEI 33308	FELD 8937
FEI 21458	FEI 25687-25688	FEI 33356	FELD 8952

FELD 19889	FELD 23297	FELD 30188-30189	PL 12546
FELD 20179	FELD 23299	FELD 30191	PL 12603-12605
FELD 20198	FELD 23300	FELD 30211-30212	PL 17997-17995
FELD 20622	FELD 24228-24229	PL 8758-8761	PL 11107
FELD 21818-21819	FELD 26740-26742	PL 11028	PL 11109
FELD 21843	FELD 28949	PL 11093-11094	FEI 3101-3105
FELD 21901	FELD 29297-29298	PL 11102-11103	FEI 20777
FELD 22776-22777	FELD 29971	PL 11108	FEI 38500
FELD 23286	FELD 30084	PL 11115-11120	PL 11821-11822
FELD 23289-23290	FELD 30115	PL 11126	FEI 39539
FELD 23292-23293	FELD 30124-30155	PL 11128	