

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

v.

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

Defendants.

Case No. 03-2006 (EGS)
JUDGE: Emmet G. Sullivan

DECLARATION OF DEBORAH FAHRENBRUCK

Deborah Fahrenbruck, being duly sworn, declares as follows:

1. I am a Veterinary Technician for Feld Entertainment, Inc. (“Feld”), a position I have held since November 1999. In my work at Feld, I provide day-to-day care for all of the animals on Feld’s Blue Unit, including the Asian elephants. I make this declaration based on personal knowledge acquired in the course of my 16 years of professional experience, including my time at Feld.

2. One aspect of my job, as well as the job of all of Feld’s other animal care staff, including handlers, groomers, and barn men, is to record for ourselves and for the veterinarians observations about the animals, including whether they are eating and drinking and how they are behaving (e.g., is an animal lethargic, does it seem to be limping, etc.). Although occasionally a veterinarian will instruct animal staff about specific things to watch for, most of the observations are made by the animal care staff themselves, based on their own suspicion that something may be important or warrant the veterinarian’s attention. They may also be observations that assist in further learning

about the Asian elephant species. These observations are recorded in each animal's medical files.

3. In addition to providing a resource for the veterinarians, the recorded observations provide a valuable tool for me as a veterinary technician to be aware of what is happening with the animals. Because animals cannot offer verbal guidance regarding their health, these on-going records can prove valuable in creating a timeline about an animal. The observations also encourage the free flow of ideas and permit all parties involved in animal care to engage in a discourse about the animal's health and well being.

4. The notes that I make about the animals are confidential, and they are intended only for the veterinarian and other animal staff. The understanding that the notes are confidential permits me to write freely. If animal staff know that the records could be disclosed to the public, they would become far less likely to provide a complete record to me of what they observe. Instead, they will be concerned about having their own accurate and honest observations used against them, even if it is without merit. For example, if a member of the animal care staff reports to me that an elephant is limping, and I take notes for use by the veterinarians and me and that record became public, it could appear Feld was either treating the animal in a way that caused it to limp or was ignoring a chronic condition that caused it to limp. Either way, notes taken by me about the observations of a member of Feld's animal care staff could be used against Feld's employees to suggest that they are providing improper, deficient care – a result that would discourage animal care staff from providing complete information to me. The

confidentiality of these notes is therefore vital to ensuring that they there continue to be an honest, complete record, and a useful tool for animal care.

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Deborah Fahrenbruck

March 16, 2005