

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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

**PLAINTIFFS’ WITNESS AND EXHIBIT LIST FOR WEDNESDAY, FEBRUARY 4, 2009**

Plaintiffs hereby provide notice of the following list of witnesses who are likely to testify on Wednesday, February 4, 2009 and the exhibits plaintiffs intend to introduce that same date. In addition to the witnesses and exhibits listed in this notice, plaintiffs may also call any remaining witnesses or introduce any remaining exhibits previously identified for February 3, 2009. Plaintiffs reserve the right to utilize any of the demonstratives or compilations previously identified in their witness and exhibit lists.

**1. Plaintiffs’ Fact Witness Lanette Williams**

Exhibit	Description	Evidentiary Basis
Pls.’ WC Ex. 119	8/23/99 Photographs taken by Christine Franco as part of a Santa Clara Humane Society Inspection of Ringling Brothers (PL 8318-8361)	Probative of plaintiffs’ take claims.
Declaration of Christine Franco	Declaration of photographer authenticating photographs from inspection. Previously provided to defendant.	For authentication purposes, if needed.

Pls.' WC Ex. 147	Video of Santa Clara Humane Society Inspection, San Jose, CA (7/99) (PL 08962) 5:37-5:49 6:14-6:24	Probative of plaintiffs' take claims.
Pls.' WC Ex. 6	8/25/01 Humane Society of Santa Clara Valley elephant abuse citation issued to Mark Oliver Gebel (FELD 28618)	Probative of plaintiffs' take claims.
Pls.' WC Ex. 120A	Color Prints of Photos in Exhibit 120 (FELD 28674 and FELD 28677)	Probative of plaintiffs' take claims.
Pls.' WC Ex. 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)	Probative of plaintiffs' take claims.

**2. Additional Exhibits Plaintiffs Intend to Introduce**

<b>Exhibit</b>	<b>Description</b>	<b>Evidentiary Basis</b>
Designated Dep. Tr. Frank Hagan (11/9/04): 05:09-05:12; 06:23-07:03; 9:25- 11:01; 2:04- 12:22; 13:15-26:23; 27:13-28:09; 30:05-32:13; 37:17-38:18; 39:14-40:14; 57:19-59:14; 59:24-60:04; 60:12-60:20; 61:19-61:23; 62:11-62:20; 63:01-63:03; 64:03-64:18; 65:22-70:06; 70:13-71:01;	Deposition testimony	Testimony of an unavailable witness; probative of plaintiffs' take claims. Fed. R. Evid. 804; Fed. R. Civ. P. 32(a).

<p>71:13-75:08;  78:07-78:24;  86:03-88:11;  90:06-91:05;  91:12-91:21;  98:04-98:17;  100:05-100:10;  101:02-103:16;  103:20-104:23;  106:20-108:09;  111:25-112:08;  113:02-113:04;  114:07-114:09;  116:17-116:23;  117:14-117:16;  118:10-118:22;  121:06-122:10;  122:16-123:13;  174:21-175:06.</p> <p>Video</p>		
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**3. Plaintiffs' Fact Witness Archele Hundley**

<b>Exhibit</b>	<b>Description</b>	<b>Evidentiary Basis</b>
DX 126	Archele Hundley Affidavit (12/13/06) (PL 014568-72) (Ex. 4 to Archele Hundley Deposition)	Probative of plaintiffs' take claims.
DX 125	Archele Hundley Declaration (9/29/06) (PL 014598-605) (Ex. 3 to Archele Hundley Deposition)	Probative of plaintiffs' take claims.
Pls.' WC Ex. 114	9/29/06 Declaration of Archele Hundley (API 6241-6248)  12/13/06 USDA Affidavit of Archele Hundley (PL 14350-14354)	Probative of plaintiffs' take claims.

**4. Plaintiffs' Fact Witness Robert Tom**

<b>Exhibit</b>	<b>Description</b>	<b>Evidentiary Basis</b>
Pls.' WC Ex. 115	10/10/06 Declaration of Robert Tom, Jr. (API 6235-6240)  4/4/07 USDA Affidavit of Robert Tom, Jr. (PL 14501-14502)	Probative of plaintiffs' take claims.

**5. Additional Exhibits Plaintiffs Intend to Introduce**

<b>Exhibit</b>	<b>Description</b>	<b>Evidentiary Basis</b>
Pls.' WC Ex. 25	8/30/04 Email from Ellen Wiedner to William Lindsay, Allison Case, and Ramiro Isaza (FEI 32492-32494)	Admission probative of plaintiffs' bull hook claim.
Designated Dep. Tr. Gerald Ramos (1/24/07): 08:16-09:08; 09:22-10:09; 10:10-12:06; 13:09-17:02; 17:14-18:01; 65:19-66:02; 69:13-69:20; 76:16-77:17; 78:06-79:23; 81:25-82:05; 85:13-87:23; 90:22-91:11; 93:06-93:08; 94:19-95:07; 83:12-85:09.  Video	Deposition testimony.	Testimony of an unavailable witness, probative of plaintiffs' take claims. Fed. R. Evid. 804; Fed. R. Civ. P. 32(a).

Respectfully submitted,

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Dated: January 30, 2009

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