

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

v.

FELD ENTERTAINMENT, INC.

Defendant.

Civ. No. 03-2006 (EGS/JMF)

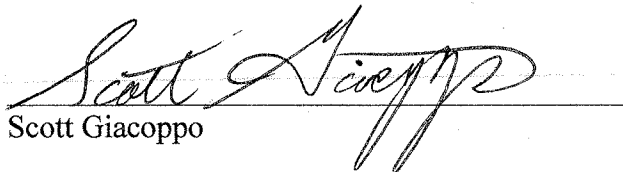
DECLARATION OF SCOTT GIACOPPO

1. I am making this declaration based on my personal knowledge.
2. I am the Chief Programs Director of the Washington Humane Society (WHS) in Washington, D.C. I have held that position since November 05, 2007.
3. I have reviewed a copy of Plaintiffs' Trial Exhibit 28, which is a copy of a letter that was written on May 20, 2005 by Adam Parascandola, WHS's Director of Law Enforcement, to Julie Strauss of Feld Entertainment, Inc., and the attached "Official Notification" concerning the matters that are discussed in the letter. Although Mr. Parascandola is no longer employed by WHS, I can verify on behalf of WHS that this letter and the attached Official Notification were prepared by Mr. Parascandola in the regular course of his employment at WHS as part of his regular official duties at WHS, and that the letter and attachment were obtained, maintained, and kept in the ordinary course of WHS's regularly conducted activities at the time of the events that

are discussed in the letter and attachment. It was the regular practice of WHS to obtain and maintain the information that is contained in these documents and to create such records based upon knowledge of persons with a business duty to WHS.

4. The letter and Official Notification that are contained in Plaintiffs' Trial Exhibit 28 are true and accurate copies of the original documents that were sent to Ms. Strauss on May 20, 2005 by WHS.

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


Scott Giacoppo

Date: 10-6-08

WASHINGTON HUMANE SOCIETY
 7319 Georgia Avenue, N.W.
 Washington, D.C. 20012
 202-723-5730

OFFICIAL NOTIFICATION

Owner/Custodian Mr. & Mrs. J. J. J. J. J. Date 11/1 20 05
 Address 1000 Tel. No.

The Washington Humane Society has received a complaint about a possible violation of the District of Columbia Code pertaining to the care and treatment of animals. (Title 22, Section 1001, *et seq.*, D.C. Code, entitled "Cruelty to Animals")

Complaint Conditions Found:

Rotties & Elephant chained

Requirements for Compliance:

It is a violation of the DC Anti Cruelty
code to chain any animal in the
district.

Failure to comply may result in impoundment of the animal(s) and/or criminal prosecution under the above code. The Washington Humane Society is empowered by law to enforce the District of Columbia anti-cruelty code.

Please call the above phone number as soon as possible. If the Humane Officer is not available, leave your name, telephone number(s) and a time when you can be reached.

Title 22, Section 1001, D.C. Code: Whoever knowingly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats, mutilates any animal, or knowingly causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly chained; cruelly beaten, or mutilated, and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, water, air, light, space, veterinary care, shelter or protection from the weather, shall for every such offense be punished by imprisonment in jail not exceeding 6 months, or by fine not exceeding \$250.00, or by both by such fine and imprisonment. Whoever commits serious bodily injury or death to an animal, or whoever commits any of the acts set forth in this section which results in serious bodily injury or death to the animal, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment not exceeding 5 years, or by a fine not exceeding \$5,000, or both such fine and imprisonment. (Additional sections prohibit other cruelties to animals, such as abandonment, animal fighting, and authorizing or permitting animals to be subjected to unnecessary suffering.)

Humane Officer Case #

By law owners are responsible for providing their animals with the following:

Food — Animals must be provided daily with nutritious food in sufficient quantity. An animal's physical condition is the best indicator of proper diet. If an animal appears underweight, if its ribs are showing, it may not be receiving proper food. A long or ungroomed coat may hide a severely emaciated physical condition.

Water — Animals must be provided clean, fresh water at all times.

Air/Light/Space — An animal should not be confined to a 'cubicle', closet, or tethered to a household object like a radiator. Chaining subjects animals to unnecessary suffering and is, therefore, prohibited. Dogs kept outside should be confined in a securely fenced in yard or pen of sufficient size. Areas where dogs are confined should be free of debris and fecal matter. Litter boxes should be kept clean. A strong animal odor should not be present.

Veterinary Care — Veterinary care must be provided for animals showing persistent symptoms of disease or illness such as vomiting, diarrhea, emaciation, loss of appetite, or discharge from the eyes or nose. An animal that has been injured or appears to be in pain should be provided with immediate veterinary care. Dogs must be vaccinated against rabies and distemper and cats must be vaccinated against rabies. Dogs should wear a current D.C. license on a properly fitting collar. A collar that is too tight can cause severe injury. At least two fingers should fit between the animal's neck and its collar.

Shelter — Animals left outside must be provided with proper shelter. The shelter must meet the following standards.

Weatherproof — Solid construction, no cracks or openings other than the entrance. Wood construction with no metal interior surfaces.

Elevated — The floor must be elevated at least two inches off of the ground.

Protected Entrance — The door must be covered with a flexible flap in cold, windy, or rainy weather.

Bedding — Dry straw, leaves, and cedar chips are acceptable bedding. Rugs, cloths, towels, and blankets hold moisture and are not acceptable bedding materials.

Size — The shelter must be large enough for the animal to stand, turn and lie down comfortably in but small enough to allow the animal to warm the interior with its body heat.

Location — The shelter must be shaded in the summer.

Personality — An animal should not act timid, hand shy, fear human contact, or act excessively aggressive. These temperament problems are indicators of neglect.

Quantity — D.C. law requires that persons owning five or more animals over the age of four months must obtain a hobby permit. Oftentimes, people will "collect" animals and have multiple cats and dogs living in their homes.

Spay/neuter — Spaying and neutering prevents and corrects a number of health and behavior problems associated with sexually intact animals. WHS operates a low cost spay/neuter clinic and will assist you in getting your animal spayed and neutered. Contact the WHS spay clinic at 202-88-ALTER for hours of operation and fee schedule.

If an animal is not provided with proper shelter, food, water, air light, veterinary care or space; if there are many animals in a household; or if an animal is exhibiting temperament problems, **PLEASE NOTIFY** the Washington Humane Society at 202-BE-HUMANE. All calls are promptly investigated by a Humane Officer. Thank you for your help and concern.

MAY 23 2005



May 20, 2005

The Washington Humane Society

Julie Alexa Strauss
Corporate Counsel
Feld Entertainment
8607 Westwood Center Dr.
Vienna, VA 22182

7319 Georgia Avenue, NW
Washington, DC 20012
Telephone 202-723-5730
Fax 202-723-1956
www.washhumane.org

Dear Ms. Strauss:

This is in regard to a complaint investigated April 16, 2005 by the Washington Humane Society against Ringling Brothers Barnum and Bailey when they were at the D.C. Armory. The complaint stated that a man was seen hitting an elephant on the head and sides with a metal rod. While investigating this complaint the Humane Officer observed seven elephants in an outside area without access to shade or water. All of the elephants were in the direct sun. One of the elephants was chained by the front ankle to a stake in the ground. Upon inspecting the inside housing area for the elephants, the Humane Officer observed chains where, according to general manager Mike Stuart, the elephants are kept chained when not performing or on display in the outside area. Mr. Stuart stated that the elephants spend four to five hours a day outside and are kept chained during the performance except for a 20 minute period at the beginning and end of each show when they are performing. According to these numbers, the elephants spend 17-20 hours a day chained. In addition, a mixed Rottweiler was found tied to a travel trailer.

Be advised that as owner or custodian of an animal in the District of Columbia, you are required to provide the animal with proper food, water, air, light, space, veterinary care, shelter and sustenance, and to protect it from unnecessary suffering. You are also prohibited from Cruelly Chaining any animal. Failure to provide such care is a violation of Title 22, Section 1001, et seq. of the D.C. Code, entitled "Cruelty to Animals," and is punishable for a fine of \$250.00, six months in jail, or both such fine and jail term.

Cruelly Chaining is defined as attaching an animal to a stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint under circumstances that may endanger its health, safety, or well being. Cruelly chains includes, but is not limited to, the use of a chain, rope, tether, leash, cable or similar restraint that:

- 1) Exceeds 1/8 the body weight of the animal
- 2) Causes the animal to choke
- 3) Is too short for the animal to move around or for the animal to urinate or defecate in a separate area from the area where it must eat, drink, or lie down
- 4) Is situated where it can become entangled
- 5) Does not permit the animal access to food, water, shade, dry ground, or shelter, or
- 6) Does not permit the animal to escape harm.



The WHS/SPCA enforces the above mentioned sections of the Criminal Code pertaining to the cruelty to animals. In WHS' visit to Ringling Brother's elephants at the D.C. Armory on April 15, 2005 several violations were noted. The elephants in the outside exercise area did not

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have access to water or shade in violation of D.C. Code. The chaining practices used by Ringling on the elephants is also a violation of D.C. Code. The rottweiler was also tied in violation of the law. In light of these violations the Washington Humane Society asks that you review the confinement and care of the elephants and other animals and let us know, before returning to the area; what will be done to ensure that these violations do not reoccur.

Please feel free to contact this office if you have any questions about District of Columbia anti-cruelty laws.

Delivered by: _____

Received by/Posted: _____

Date delivered: _____

Sincerely,



Adam Parascandola
Director of Law Enforcement