

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

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

**PLAINTIFFS' WITNESS AND EXHIBIT LIST
FOR TUESDAY, FEBRUARY 17, 2009**

Plaintiffs hereby provide notice of the following list of witnesses who are likely to testify on Tuesday, February 17, 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, 4, 9, 10, 11, and 12, 2009. Plaintiffs reserve the right to utilize any of the demonstratives or compilations previously identified in their witness and exhibit lists.

1. Plaintiffs' Expert Witness Carol Buckley

Exhibit	Description	Evidentiary Basis
Pls.' WC Ex. 113	Plaintiffs' Expert Reports and Exhibits: Complete Expert Report, Attachments, and Curriculum Vitae of Carol Buckley, including Diagram	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Scientific Article	Buckley, Carol. Captive elephant foot care: Natural-habitat husbandry techniques. In: The Elephant's Foot: Prevention and Care of Foot Conditions in Captive Asian and African Elephants. Csuti, Blair;	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.

	Sargent, Eva L. Bechert, Ursula S. (eds.). Iowa State University Press, Ames. 2001, i-viii.1-163 p. Chapter pagination: 53-55	
Scientific Article	Lyashchenko, K., et al. Tuberculosis in Elephants: Antibody Responses to Defined Antigens of Mycobacterium tuberculosis, Potential for Early Diagnosis, and Monitoring of Treatment. Clin. Vaccine Immunol. 13(7): 722-32 (Jul. 2006).	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 143	Video footage of the Rule 34 Inspection of the Blue Unit in Auburn Hills, Michigan (11/13/07), including 0:0:0 -0:0:26; 0:1:15 -0:4:13; 0:4:38-0:7:16; 0:13:22 -0:15:08; 0:16:52 -0:20:27; 0:59:30-1:04:30; 1:14:03-1:18:36	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' MC Ex. 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), including PL 14949 (pg. 16), PL 14908 (pg. 6), PL 14922 (pg. 7), PL 14926 (pg. 11), PL 14931 (pg. 12), PL 15057 (pg. 44), PL 14946 (pg. 36), PL 15047 (pg. 37), PL 15048 (pg. 38), PL 14914 (pg. 12)	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 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), including PL 15072 (pg. 6) and PL 15010 (pg. 3)	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 142	Video footage of the Rule 34 Inspection at the Center for Elephant Conservation outside Polk City, Florida (11/29/07), including 1:19:00 -1:21:00, 1:25:11 -1:29:00	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.

Pls.' MC Ex. 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), including PL 15230 (pg. 11), PL 15331 (pg. 211), PL 15321 (pg. 201), PL 15406 (pg. 286), PL 15417 (pg. 297), PL 15434 (pg. 314), PL 15447 (pg. 327)	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 142	Video footage of the Rule 34 Inspection at the Center for Elephant Conservation outside Polk City, Florida (11/29/07), including 1:48:11-1:50:00, 2:53:00-2:54:30, 3:00:14-3:02:00	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Demonstrative	Chart regarding elephant trainers.	Not being admitted into evidence.
Pls.' WC Ex. 5	Adams, Dr. Jack, Wild Elephants In Captivity (PL 10896)	Probative of circus industry standards, Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 132	Compilation of video footage of elephants from 1987-2004 (Produced to Defendant on 3/20/08 along with Plaintiffs' Expert Reports), including 27:51-28:02	Probative of plaintiffs' bull hook claim, elephant training, and expert's opinions.
Pls.' WC Ex. 128	Ringling - Angelica & Sara chained & Swaying #18 Ringling Bros. Oakland, Ca Aug 04 Violations 2-131(2)(1) Exhibit 3A to VA 05008 USDA Investigation (PL 14913), including 0-2:10	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 140	Plaintiffs' Training Footage Compilation (Provided to Defendant on 6/10/08) (PL 07077, PL 14918, PL 09043, PL 09044), including 0:37-4:09	Probative of plaintiffs' bull hook claim, elephant training, and expert's opinions.

Pls.' WC Ex. 133	Compilation (May 6, 2005) (Produced to Defendant on 3/20/08 along with Plaintiff's Expert Reports), including 10:59-13:30	Probative of circus industry standards, Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex 126	Carson & Barnes Elephant Training (PL 14918)	Probative of circus industry standards, plaintiffs' take claims, and expert's opinions.
Pls.' WC Ex. 135	Compilation of Defendant Video Footage (Provided to Defendant on 6/10/08), including FEI 45191, Clip #1 from Excerpt 5, 22:00-22:28	Admission probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
DX 174	The Elephant Sanctuary "Ele-Cam" Video Footage (FEI 53184-186), including 48:00-52:00	Probative of Ms. Buckley's expertise and qualifications.
Pls.' WC Ex. 144	"Our Girls Video" - The Elephant Sanctuary - www.elephants.com (PL 08973), including 1:49-5:52	Probative of Ms. Buckley's expertise and qualifications, and relief in this case.

2. Plaintiffs' Expert Witness Gail Laule

Exhibit	Description	Evidentiary Basis
Pls.' WC Ex. 113	Plaintiffs' Expert Reports and Exhibits: Complete Expert Report, Attachments, and Curriculum Vitae of Gail Laule, including Diagram from page 575.	Probative of Ms. Laule's expertise and qualifications, and of plaintiffs' take claims.
DX 228	Laule, G. M. Whittaker. <i>Protected Contact and Elephant Welfare</i> . In <i>An Elephant in the Room: the Science and Well Being of Elephants in Captivity</i> (eds. Kane. L. and Forthman, D. Tufts University Cummings School of Veterinary Medicine's Center for Animals and Public Policy, North Grafton, MA) (Ex. 3 to Gail Laule Deposition).	Probative of Ms. Laule's expertise and qualifications, and of plaintiffs' take claims.
Scientific article	Laule, G. (2005). The role of fear in abnormal behavior and animal welfare. <i>Proceedings of the International</i>	Probative of Ms. Laule's expertise and qualifications, and of plaintiffs' take claims.

	Environmental Enrichment Conference, New York, NY.	
Scientific article	Laule GE. (2003). Positive reinforcement and environmental enrichment: enhancing animal well-being. Journal of the American Veterinary Medical Association 223(7), 969- 973.	Probative of Ms. Laule's expertise and qualifications, and of plaintiffs' take claims.
Scientific Article	Laule GE, Bloomsmith MA, Schapiro SJ. (2003). The use of positive reinforcement training techniques to enhance the care, management, and welfare of primates in the laboratory. Journal of Applied Animal Welfare Science 6(3), 163-173.	Probative of Ms. Laule's expertise and qualifications.
Pls.' MC Ex. 30	Roberts, Ed, Elephant Control, June 1979, Elephant Keepers Forum (PL 16720-16724).	Probative of circus industry standards, plaintiffs' take claims, and expert's opinions.
Pls.' WC Ex. 78	2/5/01 -2/10/01 AZA Principles of Elephant Management, Wheeling, WV, conducted by American Zoo & Aquarium Association (PL16732-16998).	Probative of circus industry standards, plaintiffs' take claims, and expert's opinions.
Pls.' WC Ex. 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)	Admission probative of plaintiffs' take claims.
Pls.' WC Ex 140	Plaintiffs Training Footage Compilation (Provided to Defendant on 6/10/08) (PL 07077, PL 14918, PL 09043, PL 09044), including 0:19-0:32; 26:00-27:00; 54:20-54:57	Probative of circus industry standards, plaintiffs' take claims, and expert's opinions.
Scientific Article	Lenhardt, J. (1991) Elephant handling - A problem of risk management and resource allocation, Proceedings, American Zoo and Aquarium	Probative of Ms. Laule's expertise and qualifications, and of plaintiffs' take claims.

	Association Annual Conference, San Diego.	
Demonstrative	Four Photographs of Protected Contact. Previously provided to defendant.	Not being moved into evidence.
Demonstrative from DX 002	Elephant Husbandry Resource Guide. Photographs from pages 30 and 37 of DX 002.	Not being moved into evidence.
Pls.' WC Ex. 132	Compilation of video footage of elephants from 1987-2004 (Produced to Defendant on 3/20/08 along with Plaintiffs' Expert Reports), including 14:32-14:52; 14:57-15:44; 16:34-16:41; 17:07-17:56; 18:52-19:19	Probative of plaintiffs' take claims and expert's opinions.
Pls.' WC Ex. 139	Compilation of Defendant's Video Footage (Provided to Defendant on 6/10/08), including 45:00-47:06	Probative of plaintiffs' bull hook claim and expert's opinions.
Pls.' WC Ex. 133	Compilation (May 6, 2005) (Produced to Defendant on 3/20/08 along with Plaintiffs' Expert Reports), including 46:09-1:01:05	Probative of plaintiffs' chaining claim and expert's opinions.

Respectfully submitted,

/s/ Tanya M. Sanerib

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Dated: February 12, 2009

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