

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.

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Case No. 03-2006 (EGS/JMF)

NOTICE OF OBJECTION

EXHIBIT 2

United States of America

DEPARTMENT OF AGRICULTURE

WASHINGTON

I, Thomas J. Vilsack, Secretary of the United States Department of Agriculture, do hereby certify that the annexed copy, or each of the specified number of annexed copies, is a true, correct and compared copy of a document in my official custody as hereinafter described:

The attached documents 1 through 51, as listed in the table immediately following, were created or obtained, and have been or were maintained, in the regularly conducted business activities of the Investigative Enforcement Service or Animal Care of the U.S. Department of Agriculture Animal and Plant Health Inspection Services; further, those documents created by USDA personnel were created at or near the time of the occurrence of the matters discussed therein by a person with knowledge of those matters or based upon information transmitted by a person having knowledge of those matters.

Doc No	Document	Certified Bates Label	PDF File
1	10/12/01 Red Unit Inspection Report (PL 02146), as redacted	PL 012093	ASPCA136-1-04-702 (pg. 133)
2	7/23/01 Memo from Diane Ward to Alan Christian re: CA00136-AC	PL 012562	ASPCA203-1-04-702 (pg. 150)
3	1/26/05 Report of Investigation on FL4287, Riccardo	PL 11562-11567	ASPCA FL04287 154 pages (pg. 1-6)
4	8/11/04 Letter from Kay Corker to John Kinsella re: a request for an investigation into the Riccardo death	PL 11568	ASPCA FL04287 154 pages (pg. 7)
5	1/16/99 Narrative written by Kristina Cox Documenting the 1/7/99 and 1/8/99 Inspection of Ringling Brothers Blue Unit	PL 14244-14245	FL 99-028_AW_Scan_072007 (pg. 150-151)
6	9/2/05 Report of Investigation for Case # VA05008-AC	PL 11716-11724	ASPCA VA05008 36 pages (pg. 1-9)
7	9/1/99 Report of Investigation for Case # TX99237-AC (PL 3141-3150)	PL 12697-12702	ASPCA216-01-02-569 (pg. 82-87)
8	7/16/99 Memo from Charles Curren to Dr. Robert Williams documenting a 7/15/99 inspection (PL 2081-2083), as redacted	PL 12733-12735	ASPCA216-01-02-569 (pg. 118-120)

Doc No	Document	Certified Bates Label	PDF File
9	5/10/00 Email from Betty Goldentyer to Barbara Kohn regarding Research Proposal	PL 11874	ASPCA105p marked 04-272 (pg. 19)
10	7/21/00 Memo from Diane Ward to Robert Gibbens, as redacted	PL 12609-12611	ASPCA203-1-04-702 (pg. 197-199)
11	10/29/01 Letter from Chester Gipson to Jeannie Perron and Julie Strauss (FELD 39517-39518)	PL 11982-11983	ASPCA136-1-04-702 (pg. 22-23)
12	4/13/00 Letter from Ted Friend to Ron DeHaven re: the proposal for his study	PL 12135-12139	ASPCA145-1-04-727 (pg. 39-43)
13	4/10/01 Prior agreement with USDA for study	PL 12144-12149	ASPCA145-1-04-727 (pg. 48-53)
14	Proposal for USDA study	PL 12168-12174	ASPCA145-1-04-727 (pg. 72-77)
15	2/18/00 Letter from Ted Friend to Dr. Tim Cordes	PL 12178	ASPCA145-1-04-727 (pg. 82)
16	6/23/00 Letter & Grant Award from Frankie Comfort to Diane Gilliland	PL 12150-12167	ASPCA145-1-04-727 (pg. 54-71)
17	9/1/99 Memo from David Green to Walter Christensen forwarding the report received from FELD after the Benjamin investigation was completed	PL 12864	ASPCA381-1-04-702 (pg. 33)
18	8/24/06 Letter from Dale Boyles to Julie Strauss re: Rudy and Angelica (FEI 49364)	PL 13882	FL06932_AC_061907_SC AN(pg. 16-17)
19	3/10/06 Memo from Robert Brandes to G. Gaj regarding response to Feld's 3/7/06 appeal letter concerning Rudy & Angelica)	PL 13827-13828	07-487 Master AC (pg. 281-282)
20	3/13/06 Letter from Gaj to Albert regarding Feld's request for an appeal on the Rudy & Angelica incident	PL 13799-13800	07-487 Master AC (pg. 253-254)
21	6/1/06 Asian Elephant Skin Evaluation on Angelica (PL 11414-11416)	PL 13710-13712	07-487 Master AC (pg. 164-166)
22	1/11/07 Letter from Cassie Armiger to Kenneth Vail	PL 13861-13863	FL06932_AC_061907_SC AN (pg. 1-3)
23	1/18/06 Memo from Robert Brandes to G. Gaj re: 1/6/06 inspection of Rudy & Angelica	PL 13879-13881	FL06932_AC_061907_SC AN (pg. 19-21)
24	7/12/06 Email from Charles Curren to Robert Gibbens re; inspection of the Red Unit	PL 13685	07-487 Master AC (pg. 139)

Doc No	Document	Certified Bates Label	PDF File
25	5/15/06 Memo from Robert Brandes to G. Gaj regarding a 5/3/06 inspection of the CEC	PL 13618-13619	07-487 Master AC (pg. 72-73)
26	5/24/06 Inspection Report from the Blue Unit (FEI 39550)	PL 13603	07-487 Master AC (pg. 57)
27	5/18/06 Inspection Report from the Red Unit (FEI 49026)	PL 13585	07-487 Master AC (pg. 39)
28	4/16/98 Complaint regarding the Kenny incident (FELD 233-236)	PL 13959-13962	FL98026_AW_061907_SC AN (pg. 53-56)
29	10/7/98 Inspection Report of Ringling Brothers Blue Unit (FEI 2284) Duplicate - PL 11814	PL 14240	FL 99-028_AW_Scan_072007 (pg. 146)
30	6/16/06 Interoffice Memo from Lisa MacElderly to Ellen Magid re: conversation with a Ringling lawyer	PL 13715	07-487 Master AC (pg. 169)
31	8/4/06 Letter from Elizabeth Goldentyer to Thomas Albert re; TB group classifications of RB's elephants	PL 13677-13678	07-487 Master AC (pg. 130-131)
32	7/5/98 Consent Decision relating to the elephant Kenny (A 1126-1129)	PL 13925-13929	FL98026_AW_061907_SC AN (pg. 19-23)
33	7/21/04 Memo from Michael Smith to Dr. Garland regarding a 7/12/04 Ringling Brothers train arrival inspection	PL 13535-13536	06-345(MASTER)IESAZ04156..168pp..MAIN (pg. 157-158)
34	9/5/97 Animal Care Inspection Report (FELD 001-002)	PL 13989-13990	FL98026_AW_061907_SC AN (pg. 83-84)
35	3/29/07 Letter from Elizabeth Goldentyer to Robert Huttenlocker regarding Case # VA07015, as redacted	PL 13841	07-487 Master AC (pg. 295)
36	5/3/06 Inspection Report from the CEC (FEI 39957)	PL 13566	07-487 Master AC (pg. 20)
37	10/26/04 Report of Investigation on case AZ40156AC	PL 013390-013392; PL 013407-013426	345(MASTER)IESAZ04156..168pp..,MAIN (pg. 12-14, 29-48)

Doc No	Document	Certified Bates Label	PDF File
38	Photographs taken during the Riccardo investigation	PL 14472-14479	DSC00001 DSC00002 DSC00003 DSC00004 DSC00006 DSC00007 DSC00010 DSC00011
39	VIDEO - Ringling Bros Oakland CAD Aug 4 Violation 2.131(2)(1) Exhibit 3A to VA 05008	PL 14913	#18 Ringling Bros Oakland CAD Aug 4 Violation 2.131(2)(1) Contact Bolbol 650-654-9955
40	2/5/01 Memo from Frank Keyser to Diane Ward regarding additional information for case # CA00136-AC (PL 1412-1413)	PL 17994-17995	CA00136AC, 2pp.
41	1/31/01 Affidavit of Robert Brandes concerning FL 01095 (FELD 265-266)	FELD 265-266	01-363 Part 1 of (Records) 2 (pg. 30-31)
42	Memo from S. Taylor to R. Willems regarding a 12/9/98 and 12/11/98 TB inspection of Ringling Brothers Williston facility (PL 11118-11120)	FELD 0265- 0266	01-363 Part 1 of Records 4 (pg. 97-99)
43	6/3/98 Letter from David Smith to Ron DeHaven documenting the 6/2/98 inspection of Ringling Brothers Blue Unit (FELD 1086-1087)	FELD 01086 - 01087	01-363 (Records) 3 (pg. 424-425)
44	2/16/99 Memo from Miava Binkley documenting USDA inspection of Doc and Angelica (FEI 817-818)	FELD 817 - 818	01-363 Part 1 of (Records) 2 (pg. 20, 22)
45	5/11/99 Letter from Ron DeHaven to Julie Strauss regarding the 2/10/99 inspection at Ringling Brothers CEC (FEI 843-844)	FEI 843-844	01-363 Part 1 of (Records) 2 (pg. 115, 117)

Doc No	Document	Certified Bates Label	PDF File
46	Undated Memo from S. Taylor to R. Williams documenting a 12/22/98 inspection (FELD 1529-1531)	FELD 1529-1531	01-363 Part 1 of Records 4 (pg. 246-248)
47	4/16/01 Affidavit of Janet Payuer re; TB (PL 11102-11103)	PL 11102 - 11103	01-363 Part 2 of Records 4 (pg. 222-223)
48	8/27/01 Memorandum from Charmain Zordan to Diane Ward regarding additional information on Investigation #CA00136-AC (PL 4607)	PL 4607	01-363 Part 1 of Record 4 (pg. 205)
49	1/12/01 Affidavit of Miava Binkley concerning FL 01095 (PL 4067), as redacted	PL 4067	01-363 Part 1 of (Records) 2 (pg. 24-25)
50	2/9/99 Narrative concerning inspection at the CEC (FEI 819-820)	FEI 819-820	01-363 Part 1 of (Records) 2 (pg. 26, 28)
	2/13/01 Interview Log from Charmain Zordan with Gary Jacobson at the CEC regarding the separation process (PL 4102)	PL 4102	01-363 Part 1 of (Records) 2 (pg. 165)

In testimony whereof, I have hereunto caused the seal of the Department of Agriculture to be affixed and my name subscribed in the District of Columbia this

5th day of February 2009


 SECRETARY OF AGRICULTURE

By Gary Jacobson