

	care: Natural-habitat husbandry techniques. In: The Elephant's Foot: Prevention and Care of Foot Conditions in Captive Asian and African Elephants. Csuti, Blair; Sargent, Eva L. Bechert, Ursula S. (eds.). Iowa State University Press, Ames. 2001, i-viii.1-163 p. Chapter pagination: 53-55	expertise and qualifications, and of plaintiffs' take claims.
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), PL 15052-57 (pgs. 39-44)	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)	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 (PL 08980) #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 Clip #1 from Excerpt 5 FEI 45191, 22:00-22:28; Excerpt 6 FEI 40964, 38:40-45:24; Excerpt 7, FEI 40973, 50:00-50:08	Admissions probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Scientific Article	Mikota, S. In Press. An Elephant in the Room: the Science and Well Being of Elephants in Captivity (eds. Kane. L. and Forthman, D. Tufts University Cummings School of Veterinary Medicine's Center for Animals and Public Policy, North Grafton, MA) p.80 (Exhibit 9 to Dennis Schmitt Deposition).	Probative of Ms. Buckley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 103	Guidelines for the Control of Tuberculosis in Elephants (Oct. 2008, March 2008, 2003, Oct. 2002, Jan. 2000, Nov. 1997)	Probative of industry standards and expert's opinions.
DX 174	The Elephant Sanctuary "Ele-Cam" Video Footage (FEI 53184-186), including 6-23-08, capture 07, 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. Additional Exhibits Plaintiffs' Intend To Introduce

Please note that these designations are slightly different than those identified for these deponents on our previous 72-hour filing.

Exhibit	Description	Evidentiary Basis
Designated Dep. Tr. Daniel Raffo (Dec. 2, 2008): 5:16 - 5:18; 84:07 - 85:03; 123:16 - 125:02; 126:08 - 128:21; 151:09 - 153:09; 192:16 - 193:04; 145:19 - 146:07; 150:16 - 150:20; 183:16 - 184:02; 184:06 - 184:09.	Deposition testimony.	Admissions; probative of plaintiffs' take claims. Fed. R. Evid. 401, 402, 801(d)(2); Fed. R. Civ. P. 32(a).
Designated Dep. Tr. Jeff Pettigrew (Nov. 14, 2008): 34:14 - 35:07; 80:03 - 80:05; 87:10 - 87:15; 87:22 - 88:06; 89:01 - 91:02; 91:08 - 92:01; 92:15 - 92:18; 98:10 - 98:21; 99:18 - 100:02; 101:03 - 101:06; 101:10 - 102:05; 103:07 - 103:11; 103:18 - 103:20; 104:02 - 104:08; 105:07 - 105:13; 105:19 - 106:15; 107:07 - 108:05; 108:12 - 108:14;	Deposition testimony.	Admissions; probative of plaintiffs' take claims. Fed. R. Evid. 401, 402, 801(d)(2); Fed. R. Civ. P. 32(a).

108:22 - 109:07; 114:14 - 115:17; 116:15 - 117:09.		
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3. Plaintiffs' Expert Witness Dr. Philip Ensley

Exhibit	Description	Evidentiary Basis
Pls.' WC Ex. 113	Plaintiffs' Expert Reports and Exhibits: including Curriculum Vitae of Dr. Philip Ensley (App. A to Report), Review of Medical Records (pp. 132-235, 260-68, 270-71, 275-85 of Report), App. C (inspection photographs).	Probative of Dr. Ensley's expertise and qualifications, and of plaintiffs' take claims.
Pls.' WC Ex. 2A Karen	Medical Records of the Elephants Jewell, Karen, Lutzi, Mysore, Nicole, Susan, and Zina Prepared by Defendant or at Defendant's Request, including FELD 7116, FELD 18712, FELD 18713, FELD 21891, FELD 21892, FEI 23197, FEI 23198, FEI 23199, FEI 36482, FEI 36481, FEI 36480, FELD 21822, FEI 36429, FELD 221791, FELD 2867, FEI 36887, FELD 21828, FELD 2810, FELD 21827, FELD 21897, FELD 2864, FEI 3294, FEI 13162, FELD 8356, FELD 28942, FEI 44456, FEI 44481, FEI 44482, FEI 7962, FEI 8028, FEI 8030, FEI 8061, FEI 8118, FEI 8165, FEI 8166, FEI 8200, FEI 8201, FEI 8204, FEI 8247, FEI 8028, FEI 8030, FEI 8165, FEI 8166, FEI 8201, FEI 8247, FEI 8274, FEI 8061, FEI 8118, FEI 8200, FEI 8201, FEI 8273, FEI 8304.	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 2A Nicole	Medical Records of the Elephants Jewell, Karen, Lutzi, Mysore, Nicole, Susan, and Zina Prepared by Defendant or at Defendant's Request, including FELD 26414, FELD 26415, FEI	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.

	<p>22857, FEI 22821, FELD 30198, FELD 26415, FEI 31085, FEI 21511, FEI 25261, FELD 21812, FELD 21827, FELD 21898, FELD 21836, FELD 8344, FEI 40041, FEI 8377, FEI 8381, FEI 8399, FEI 11093, FEI 11094, FEI 21808, FEI 21807, FEI 21806, FEI 41390, FEI 41391, FEI 2373, FEI 44334, FEI 44481, FEI 44482, FEI 8043, FEI 8053, FEI 8079, FEI 8027, FEI 8043, FEI 8044, FEI 8052, FEI 8053, FEI 8063, FEI 8064, FEI 8065, FEI 8196, FEI 8197, FEI 8077, FEI 8083, FEI 8126, FEI 8128, FEI 8131, FEI 8157, FEI 8158, FEI 8196, FEI 8197, FEI 8246, FEI 8271, FEI 8272, FEI 8297.</p>	
<p>Pls.' WC Ex. 2A Mysore</p>	<p>Medical Records of the Elephants Jewell, Karen, Lutzi, Mysore, Nicole, Susan, and Zina Prepared by Defendant or at Defendant's Request, including FELD 8361, FEI 22433, FELD 8353, FELD 8358, FELD 2956, FEI 23292, FEI 29635, FEI 19437, FEI 19438, FEI 19439, FELD 21891, FEI 33029, FELD 21841, FELD 21832, FELD 21822, FELD 21806, FELD 2957, FELD 2958, FELD 21828, FELD 20178, FELD 21815-U, FELD 2959, FELD 21812, FELD 2959, FELD 21825, FELD 21899, FELD 21835, FEI 3305, FEI 40054, FEI 40055, FEI 10872, FEI 11093, FEI 1280, FEI 41165, FEI 17003, FEI 41461, FEI 41271, FEI 8132, FEI 8193, FEI 8192, FEI 8132, FEI 8123, FEI 8003, FEI 8195, FEI 8194, FEI 17933, FEI 17932, FEI 17931, FEI 17930, FEI 17929, FEI 17928, FEI 17927, FEI 17926, FEI 17922, FEI 17921, FEI 17920, FEI 17919, FEI 18356, FEI 18355, FEI 18055, FEI 18054, FEI</p>	<p>Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.</p>

	18053, FEI 17949, FEI 17948, FEI 17947, FEI 17946, FEI 17944, FEI 17943, FEI 17942, FEI 17941, FEI 17940, FEI 17939, FEI 17938, FEI 17937, FEI 17936.	
Pls.' WC Ex. 2A Susan	Medical Records of the Elephants Jewell, Karen, Lutzi, Mysore, Nicole, Susan, and Zina Prepared by Defendant or at Defendant's Request, including FELD 26886, FEI 15430, FELD 3145, FELD 21833, FELD 21823, FELD 21792, FELD 3146, FEI 15346, FELD 3147, FELD 21829, FELD 3148, FEI 3355, FEI 13139, FEI 13104, FELD 3148, FELD 3149, FEI 13115, FELD 0020622, FELD 3150, FEI 27063, FEI 3352, FELD 8344, FEI 39991, FEI 10872, FEI 38185, FEI 38184, FEI 3952, FEI 16936, FEI 10347.	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 117	Photographs of Ringling Brothers Elephants including FEI 15431, FEI 8090, FEI 8089, FEI 8088, FEI 8087, FEI 8081, FEI 8080, FEI 8075, FEI 8074, FEI 8073, FEI 8072, FEI 8070, FEI 8090.	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 2A Lutzi	Medical Records of the Elephants Jewell, Karen, Lutzi, Mysore, Nicole, Susan, and Zina Prepared by Defendant or at Defendant's Request, including FELD 7259, FELD 7260, FELD 21893, FELD 21842, FELD 21832, FELD 7256, FELD 2926, FELD 21901, FELD 2928, FELD 21820, FELD 21839, FELD 20407, FELD 28072, FEI 40006, FEI 41148, FEI 7988.	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 2A Jewell	Medical Records of the Elephants Jewell, Karen, Lutzi, Mysore, Nicole, Susan, and Zina Prepared by Defendant or at Defendant's Request, including	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.

	FELD 21791, FEI 31063, FEI 31061, FELD 21806, FELD 21828, FEI 33051, FELD 21901, FELD 21845, FELD 21812, FELD 21896, FEI 16787, FELD 21897, FELD 21836, FEI 4261, FEI 16590, FEI 39550, FEI 16587, FEI 42363, FEI 42364, FEI 42373, FEI 42391, FEI 42383, FEI 27238.	
DX 8	Documents Relating to the Asian Elephant "Jewell," including FELD 6980, FELD 6981, FELD 6968, FELD 6969, FELD 6970, FELD 6971, FELD 6972, FEI 41479, FEI 41482.	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 2A Zina	Medical Records of the Elephants Jewell, Karen, Lutzi, Mysore, Nicole, Susan, and Zina Prepared by Defendant or at Defendant's Request, including FELD 8058, FELD 26888, FELD 8059, FELD 21891, FEI 33029, FELD 26888, FELD 21823, FELD 29579, FELD 21828, FELD 3223, FELD 21895, FELD 21812, FELD 21896, FELD 21897, FELD 21899, FELD 21835, FEI 16559, FELD 21839, FEI 38202, FEI 16971, FEI 17100.	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 1A	Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, including FEI 1165 (Alana), FELD 26682 (Baby), FELD 21691 (Banana), FEI 19432 (Asha), FEI 15231 (Roma), FEI 52157 (Gunther), FELD 8373 (Gunther), FEI 13472 (Gunther), FEI 17348 (Gunther), FELD 8408 (Gunther), FELD 21831 (Bonnie), FELD 2698 (Bonnie), FELD 2762 (Doc), FELD 2764 (Doc), FEI 16839 (Doc), FELD 7068 (Juliette), FELD 19917 (Juliette), FELD 21843 (Juliette), FELD 2848 (Juliette), FELD 2850 (Juliette), FEI	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.

	49019-49020 (Juliette), FELD 8407 (PT), FELD 20416 (PT), FEI 41271 (PT), FELD 7597 (Romeo), FELD 21843 (Romeo), FEI 4229 (Sabu), FEI 50395 (Sarah), FEI 48055 (Sarah), FELD 21731 (Sara), FEI 31832 (Angelica), FEI 22434 (Angelica), FEI 49164 (Angelica), 22447 (Angelica), FEI 44501 (Asia), FEI 44502 (Asia), FEI 18276 (India), FEI 18286 (India), FEI 17435 (India), 50737 (India), FEI 15398 (Suzie), PL 11102 (Teetchie), FEI 15398 (Teetchie), FELD 8692 (Teetchie).	
Pls.' WC Ex. 1A	Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request including, Alana (FEI 1165), Angelica (FEI 41293), Asia (FEI 1178), Assan (FEI 1179), Baby (FEI 1180), Bananna (FEI 1181), Banko (FEI 1182), Calcutta I (FEI 1197), Casey (FEI 1199), Charlie (FEI 1202), Cora (FEI 1210), Emma (FEI 1219), Icky II (FEI 1223), India (FEI 1226), Jewel (FEI 1239), Josky (FEI 1242, FELD 19505), Karen (FEI 1250), Louie (FEI 1265), Luna (FEI 1267), Lutzi (FEI 1268), Mala (FEI 1272, FELD 18929), Minyak (FEI 1276), Mysore (FEI 1279), Nicole (FEI 1281), Prince Tusk (FEI 1286), Putzi (FEI 1293), Rajah (FEI 1298), Sabu (FEI 1322), Sally (FEI 1323), Sarah (FEI 1326), Siam I (FEI 1346), Siam II (FEI 1350), Sid (FEI 1352), Susan (FEI 1358), Toby (FEI 1367), Tonka (FEI 1368), Tova (FEI 1369), Vance (FEI 1373), Zina (1376).	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 135	Compilation of Defendant Video Footage (Provided to Defendant on 6/10/08), including FEI 40973 Excerpt 7, 45:37-51:31	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.

Pls.' WC Ex. 74	5/2003 AZA Standards for Elephant Management and Care (API 1424-1437)	Probative of industry standards and expert's opinions.
Pls.' WC Ex. 103	Guidelines for the Control of Tuberculosis in Elephants (Oct. 2008, March 2008, 2003, Oct. 2002, Jan. 2000, Nov. 1997)	Probative of industry standards and expert's opinions.
Pls.' WC Ex. 102	Documents reflecting the TB status of Ringling Brothers Elephants (see Appendix A), including 431-34, 436, 438, 440-45, 483, 485-86, 545, 550, 551, 559, 605-09, 660.	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 120A	Color Prints of Photos in Exhibit 120 (FELD 28674 and FELD 28677)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 3	9/26/00 Affidavit of Dr. Michael Smith regarding a 9/7/00 inspection of Ringling Brothers Blue Unit (FELD 0688-0691)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
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 and Dr. Ensley's opinions.
Pls.' WC Ex. 6	8/25/01 Humane Society of Santa Clara Valley elephant abuse citation issued to Mark Oliver Gebel (FELD 28618)	Public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
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)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 7	9/2/05 Report of Investigation for Case # VA05008-AC (PL 11716-11724)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr.

		Ensley's opinions.
Pls.' WC Ex. 9	1/8/05 Email from Deborah Fahrenbruck to Mike Stuart regarding a letter written, but never sent, to Kenneth Feld (FEI 15025-15027)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 10	1/8/05 Email from Deborah Fahrenbruck to Mike Stuart regarding notes on Phoenix/California (FEI 15024)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 11	1/8/05 Email from Deborah Fahrenbruck to Mike Stuart regarding notes on Phoenix/California (FEI 15024)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 12	7/24/04 Email from Heather Riggs to William Lindsay, Ellen Wiedner, and Allison Case regarding elephants (FEI 16614-16618)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 13	9/14/00 Inspection Report of Ringling Brothers Red Unit (PL 11784)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 21	5/15/01 Report of Investigation for Case # CA01069-AC (PL 1351-1352)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 23	2/4/01 Email from Cathy Shilton to Mark Gaipo regarding vet report (FEI 21230)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 25	8/30/04 Email from Ellen Wiedner to William Lindsay, Allison Case, and Ramiro Isaza (FEI 32492-32494)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 26	1/9/99 Affidavit of Robert Ridley (FELD 23386)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 8	10/12/05 Letter to Kenneth Vail from	USDA public record and

	Cassie Armiger regarding Case # VA05008-AC (PL 14659-14660)	business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 41	2/16/99 Memo from Miava Binkley documenting USDA inspection of Doc and Angelica (FEI 817-818)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 40	Physical Examination and Diagnostic Procedures (FEI 2358)	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 4	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)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 106	9/7/00 Inspection Report of Ringling Brothers (FEI 629)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 143	Video footage of the Rule 34 Inspection of the Blue Unit in Auburn Hills, Michigan (11/13/07)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 142	Video footage of the Rule 34 Inspection at the Center for Elephant Conservation outside Polk City, Florida (11/29/07)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 105	5/12/06 Letter from Michelle Pardo to Kimberly Ockene regarding the production of elephant veterinary records	Party admissions probative of plaintiffs' take claims and Dr. Ensley's opinions.
Pls.' WC Ex. 1B	USDA and Other Enforcement Agency Records Pertaining to Ringling Brothers Elephants including AWI 6699 (USDA inspection), PL 11414-15 (USDA inspection), 13879-81 (USDA	Public records and business records, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims and Dr. Ensley's opinions.

	memo).	
Designated Dep. Tr. Sacha Houcke (1/7/08): 93:17 - 97:10; 100:12 - 103:03; 106:25 - 107:19.	Deposition Testimony	Testimony of an unavailable witness; probative of plaintiffs' claims. Fed. R. Evid. 401, 402, 804; Fed. R. Civ. P. 32(a)(4).
Scientific article/book	AVMA animal welfare principles (2007)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Scientific article/book	Cusuti et al., The Elephant's Foot (2001)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Scientific article/book	Fowler & Mikota, Biology, Medicine, and Surgery of Elephants (2006)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Scientific article/book	Fowler ed., Zoo and Wild Animal Medicine (3rd, 4th, 5th, 6th eds.)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.
Scientific article/book	Mikota, et al., Medical Management of the Elephant (1994)	Probative of plaintiffs' take claims and Dr. Ensley's opinions.

4. Additional Exhibits Plaintiffs Intend To Introduce

Exhibit	Description	Evidentiary Basis
Pls.' WC Ex. 3	9/26/00 Affidavit of Dr. Michael Smith regarding a 9/7/00 inspection of Ringling Brothers Blue Unit (FELD 0688-0691)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims.
Pls.' WC Ex. 23	2/4/01 Email from Cathy Shilton to Mark Gaipo regarding vet report (FEI 21230)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 31	3/6/98 Email from Ron DeHaven to Michael Dunn regarding several Ringling Brothers investigations (FELD 00219)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims.

Pls.' WC Ex. 33	7/5/98 Consent Decision relating to the elephant Kenny (A 1126-1129)	Public record, Fed. R. Evid. 803(8), and probative of plaintiffs' take claims.
Pls.' WC Ex. 1B Kenny	USDA and Other Enforcement Agency Records Pertaining to Ringling Brothers Elephants, including page 69.	Public records and business records, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims.

Respectfully submitted,

/s/ Tanya M. Sanerib

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Dated: February 18, 2009

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