

**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 24, 2009**

Plaintiffs hereby provide notice of the following list of exhibits plaintiffs intend to introduce on Tuesday, February 24, 2009. In addition to the exhibits listed in this notice, plaintiffs may also call any remaining witnesses and/or introduce any remaining exhibits previously identified for February 3, 4, 9, 10, 11, 12, 17, 18, 19, and/or 23, 2009. Plaintiffs reserve the right to utilize any of the demonstratives or compilations previously identified in their witness and exhibit lists.

1. Additional Exhibits Plaintiffs Intend To Introduce Into Evidence

Exhibit	Description	Evidentiary Basis
Pls.’ WC Ex. 34	Documents concerning the location and transfer of Ringling Brothers elephants (2000-2005)	Party admissions probative of plaintiffs’ take claims.
Pls.’ WC Ex. 44	Blue Unit Elephant Husbandry Protocol (FEI 51888-51890)	Party admissions probative of plaintiffs’ take claims.
Pls.’ WC Ex. 45	Daily Routine for the CEC (FEI 49629)	Party admissions probative of plaintiffs’ take claims.
Pls.’ WC Ex. 47	Defendant’s Response to Plaintiff’s Request for Admissions (6/9/04)	Party admissions probative of plaintiffs’ take claims.

Pls.' WC Ex. 52	10/16/04 Email from Ellen Wiedner to William Lindsay, Allison Case, and Ramiro Isaza (FEI 33114-33115)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 58	6/18/99 Elephant Daily Report (FEI 22576)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 59	2/27/01 Daily Animal Record (FEI 36878)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 60	8/2/01-8/13/01 Daily Animal Record (FEI 36713-36723)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 66	5/3/99 Daily Animal Report (FEI 22645)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 67	10/17/99 Daily Animal Report (FEI 22670)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 68	10/22/99 Daily Animal Report (FEI 22672)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 82	Complaint, ASPCA et al. v. Feld Entertainment, Inc. et al., Civ. No. 03-2006 (EGS/JMF) Supplemental Complaint ASPCA et al. v. Feld Entertainment, Inc. et al., Civ. No. 03-2006 (EGS/JMF)	Core pleadings in this case, subject to judicial notice. Fed. R. Evid. 201.
Pls.' WC Ex. 83	5/14/02 Invoice, Check Request, and Check concerning the purchase of 40 bullhooks for \$12,000 from Charlie Gray (FELD 3295-3297)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 96	Feld Entertainment & Subsidiaries tax form number 1120 (2004) (Exhibit H to Plaintiffs' Opposition to Defendant Motion for Summary Judgment, DE 96)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 100	Excerpts, Ringling Brothers Website (7/24/08) Excerpts, Center for Elephant Conservation Website (7/24/08)	Party admissions probative of plaintiffs' take claims.

Pls.' WC Ex. 107	5/3/06 Inspection Report of Ringling Brothers CEC (PL 13566)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims
Pls.' WC Ex. 108	6/9/98 Inspection Report of Ringling Brothers CEC (FELD 063-064)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims.
Pls.' WC Ex. 109	8/27/01 Memorandum from Charmain Zordan to Diane Ward regarding additional information on Investigation #CA00136-AC (PL 4607)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims.
Pls.' WC Ex. 111	Trial Testimony of Kenneth Feld, People for the Ethical Treatment of Animals v. Kenneth Feld, et al., No. 024452 (Cir. CT. Fairfax County, VA) (March 9, 2006, at 1894-2118)	Party admissions probative of plaintiffs' take claims.
Pls.' WC Ex. 125A	Ringling Bros. in Mexico 5/9/98 (PL 08979)	Probative of plaintiffs' take claims.
Pls.' WC Ex. 125B	Ringling Bros. in Mexico 5/9/98 (Exhibit H to Edward Stewart's Deposition)	Probative of plaintiffs' take claims.
Pls.' WC Ex. 133	Compilation (May 6, 2005) (Produced to Defendant on 3/20/08 along with Plaintiffs' Expert Reports), including 46:09-1:02:01	Probative of plaintiffs' take claims.
Pls.' MC Ex. 9	10/26/04 Report of Investigation for Case # AZ040156-AC (PL 13390-13426)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims.
Pls.' MC Ex. 24	1/12/01 Affidavit of Miava Binkley concerning FL 01095 (PL 4067)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of plaintiffs' take claims.
Pls.' MC Ex. 25	9/9/99 Narrative concerning inspection at the CEC (FEI 819-820)	USDA public record and business record, Fed. R. Evid. 803(8),(6), and probative of

		plaintiffs' take claims.
Pls.' MC Ex. 27	2007 Animal Care Routine (FEI 49043-49063)	Party admissions probative of plaintiffs' take claims.
Pls.' MC Ex. 44	Ringling Brothers Barnum & Bailey Circus Long-Term Animal Task Force (FEI 1480-1512)	Party admissions probative of plaintiffs' take claims.
Pls.' MC Ex. 51	Affidavit of Claire George, <u>Pottker v. Feld Entertainment, Inc., et al.</u> , Civ. No. 99-008068 (Sup. Ct. D.C.), (Exhibit 12 to Plaintiffs' Opposition to Defendants Motion for Leave to Amend Answer to Assert Addition Defense and Rico Counterclaim, DE 132)	Probative of plaintiffs' take claims.
Pls.' MC Ex. 53	10/23/04 Email from Dr. Lindsay William to Dr. Ellen Wiedner regarding Winter Quarters Animal Welfare Training (FEI 33503-Revised – 33506-Revised)	Party admissions probative of plaintiffs' take claims.
Pls.' MC Ex. 75	2002 Brochure for the Center for Elephant Conservation (FELD 3354-3357)	Party admissions probative of plaintiffs' take claims.

Respectfully submitted,

/s/ Tanya M. Sanerib

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