

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

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| <p style="text-align: center;">AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u></p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">FELD ENTERTAINMENT, INC.,</p> <p style="text-align: center;">Defendant.</p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> | <p>Civ. No. 03-2006 (EGS/JMF)</p> |
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NOTICE OF FILING TRIAL EXHIBITS

Plaintiffs hereby give notice of filing the trial exhibits listed below, which have been admitted into evidence during the trial in the above-captioned case.

| EXHIBIT NUMBER | ATTACHMENT NUMBER | DESCRIPTION |
|---------------------------|------------------------------|---|
| Pls.' WC Ex. 1A-Angelica | 1 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FEI 31832, FEI 22434 |
| Pls.' WC Ex. 1A-Baby | 2 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FELD 26682 |
| Pls.' WC Ex. 1A-Bonnie | 3 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FELD 21831 |
| Pls.' WC Ex. 1A-Doc | 4 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FELD 2762, FELD 2764, FEI 16839 |
| Pls.' WC Ex. 1A-Gunther | 5 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FELD 8373 |
| Pls.' WC Ex. 1A-Juliette | 6 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FELD 7068, FELD 19917, FELD 21843, FELD |

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| | | 2848, FELD 2850 |
| Pls.' WC Ex. 1A-PT | 7 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FEI 8407, FEI 20416, FEI 41271 |
| Pls.' WC Ex. 1A-Romeo | 8 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FELD 7597, FELD 21843 |
| Pls.' WC Ex. 1A-Sarah | 9 | Medical Records of Ringling Brothers Elephants Prepared by Defendant or at Defendant's Request, FEI 50395, FEI 48055 |
| Pls.' WC Ex. 2A-Jewell | This exhibit will be filed with the clerk on compact disk. As it exceeds 500 pages, the exhibit is not in a format that readily permits electronic filing. | Medical Records of the Elephant Jewell Prepared by Defendant or at Defendant's Request |
| Pls.' WC Ex. 2A-Karen | This exhibit will be filed with the clerk on compact disk. As it exceeds 500 pages, the exhibit is not in a format that readily permits electronic filing. | Medical Records of the Elephant Karen Prepared by Defendant or at Defendant's Request |
| Pls.' WC Ex. 2A-Lutzi | This exhibit will be filed with the clerk on compact disk. As it exceeds 500 pages, the exhibit is not in a format that readily permits electronic | Medical Records of the Elephant Lutzi Prepared by Defendant or at Defendant's Request |

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| | filing. | |
| Pls.' WC Ex. 2A-Mysore | This exhibit will be filed with the clerk on compact disk. As it exceeds 500 pages, the exhibit is not in a format that readily permits electronic filing. | Medical Records of the Elephant Mysore Prepared by Defendant or at Defendant's Request |
| Pls.' WC Ex. 2A-Nicole | This exhibit will be filed with the clerk on compact disk. As it exceeds 500 pages, the exhibit is not in a format that readily permits electronic filing. | Medical Records of the Elephant Nicole Prepared by Defendant or at Defendant's Request |
| Pls.' WC Ex. 2A-Susan | This exhibit will be filed with the clerk on compact disk. As it exceeds 500 pages, the exhibit is not in a format that readily permits electronic filing. | Medical Records of the Elephant Susan Prepared by Defendant or at Defendant's Request |
| Pls.' WC Ex. 2A-Zina | This exhibit will be filed with the clerk on compact disk. As it exceeds 500 pages, the exhibit is not in a format that readily permits electronic | Medical Records of the Elephant Zina Prepared by Defendant or at Defendant's Request |

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| Pls.' WC Ex. 4 | 10 | 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) |
| Pls.' WC Ex. 12 | 11 | 7/24/04 Email from Heather Riggs to William Lindsay, Ellen Wiedner, and Allison Case regarding elephants (FEI 16614-16618) |
| Pls.' WC Ex. 26 | 12 | 1/9/99 Affidavit of Robert Ridley (FELD 23386) |
| Pls.' WC Ex. 34 | 13 | Documents concerning the location and transfer of Ringling Brothers elephants (2000-2005) |
| Pls.' WC Ex. 44 | 14 | Blue Unit Elephant Husbandry Protocol (FEI 51888-51890) |
| Pls.' WC Ex. 46 | 15 | Defendant's First and Supplemental Responses to Plaintiffs' Interrogatories (6/9/04, 3/3/05, 1/31/07, and 1/30/08) |
| Pls.' WC Ex. 58 | 16 | 6/18/99 Elephant Daily Report (FEI 22576) |
| Pls.' WC Ex. 59 | 17 | 2/27/01 Daily Animal Record (FEI 36878) |
| Pls.' WC Ex. 60 | 18 | 8/2/01-8/13/01 Daily Animal Record (FEI 36713-36723) |
| Pls.' WC Ex. 64 | 19 | Itineraries for Ringling Brothers Red and Blue Units (2001-2007) |
| Pls.' WC Ex. 66 | 20 | 5/3/99 Daily Animal Report (FEI 22645) |
| Pls.' WC Ex. 67 | 21 | 10/17/99 Daily Animal Report (FEI 22670) |
| Pls.' WC Ex. 68 | 22 | 10/22/99 Daily Animal Report (FEI 22672) |
| Pls.' WC Ex. 82 | 23 | 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) |

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| Pls.' WC Ex. 83 | 24 | 5/14/02 Invoice, Check Request, and Check concerning the purchase of 40 bullhooks for \$12,000 from Charlie Gray (FELD 3295-3297) |
| Pls.' WC Ex. 99A | 25 | 2006 Ringling Brothers and Barnum & Bailey Animal Care Brochure (PL 15735) |
| Pls.' WC Ex. 102A | 26 | Documents reflecting the TB status of Ringling Brothers Elephants, pages 441-443 |
| Pls.' WC Ex. 106 | 27 | 9/7/00 Inspection Report of Ringling Brothers (FEI 629) |
| Pls.' WC Ex. 107 | 28 | 5/3/06 Inspection Report of Ringling Brothers CEC (PL 13566) |
| Pls.' WC Ex. 108 | 29 | 6/9/98 Inspection Report of Ringling Brothers CEC (FELD 063-064) |
| Pls.' WC Ex. 113J | 30 | Curriculum Vitae of Dr. Philip Ensley |
| Pls.' WC Ex. 113K | 31 | Appendix C to the Expert Report of Dr. Philip Ensley (Inspection Photographs) |
| Pls.' WC Ex. 113L | 32 | Summaries of Medical Records Review from the Expert Report of Dr. Philip Ensley |
| Pls.' WC Ex. 135B | This exhibit will be filed with the clerk on compact disk. As video footage, the exhibit is not in a format that readily permits electronic filing. | Compilation of Defendant Video Footage (Provided to Defendant on 6/10/08) FEI 45189, FEI 45221, FEI 45190, FEI 45191, FEI 40964, FEI 40973, FEI 45229, FEI 45233, FEI 45193, FEI 45204, FEI 45245, FEI 45194, FEI 45196, FEI 45198, FEI 45215, FEI 45216, FEI 40966 |
| Pls.' WC Ex. 142E | This exhibit will be filed with the clerk on compact disk. As video footage, the exhibit is not in a format that readily permits electronic filing. | Video footage of the Rule 34 Inspection at the Center for Elephant Conservation outside Polk City, Florida (11/29/07), 2:10:00 - 2:19:00 |

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| Pls.' WC Ex. 143E | This exhibit will be filed with the clerk on compact disk. As video footage, the exhibit is not in a format that readily permits electronic filing. | Video footage of the Rule 34 Inspection of the Blue Unit in Auburn Hills, Michigan (11/13/07), 1:07:45 - 1:07:59 |
| Pls.' WC Ex. 143G | This exhibit will be filed with the clerk on compact disk. As video footage, the exhibit is not in a format that readily permits electronic filing. | Video footage of the Rule 34 Inspection of the Blue Unit in Auburn Hills, Michigan (11/13/07), 4:37:15 - 6:27:09 |
| Pls.' WC Ex. 169 | 33 | Chart B - Elephants Owned by Feld Entertainment as of 9/5/06 (based entirely on information obtained from Feld Entertainment.) |
| Pls.' WC Ex. 170 | 34 | Documents Relating to the Asian Elephant "Jewell," FELD 2828, FELD 6969, FELD 6971, FELD 6980 |
| Pls.' WC Ex. 171A | 35 | Designated Dep. Tr. James Andacht (1/30/08), with plaintiffs' designations highlighted: 9:07-10:01; 14:07- 14:13; 43:17- 43:19; 58:06- 58:20; 72:21-75:03; 75:06- 75:07; 75:15-75:17; 76:07-76:19; 77:21-78:14; 88:10- 88:16; 90:04- 94:11; 94:12- 98:05; 103:04- 105:22; 162:16- 163:10; 175:01- 177:02; 179:07- 179:17; 185:02- 189:08; 196:06- 196:13; 197:02- 197:03; 197:10- 197:13; 212:06- 212:21; 213:13- 213:15; 214:19- 215:04; 217:10-218:19; 227:12- 227:18; 227:19- 231:12; 237:12- 244:01; 247:02- 247:06; 250:11- 250:15; 250:16- 253:18; 255:03-257:21; 260:19- 261:01 |
| Pls.' WC Ex. 171B | This exhibit will be filed with the clerk on compact disk. As video | Plaintiffs' Designated Video Footage of Deposition of James Andacht (1/30/08), 90:04-94:11; 94:12- 98:05; 103:04- 105:22; 175:01-177:02; 179:07- 179:17; 185:02- 189:08; 227:19- |

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| | footage, the exhibit is not in a format that readily permits electronic filing. | 231:12; 237:12- 244:01. |
| Pls.' WC Ex. 172 | 36 | Designated Dep. Tr. Kenneth Feld (1/16/08), with plaintiffs' designations highlighted: 192:15 -193:01; 193:04-193:06; 193:16-194:13; 195:01 -195:02; 195:15-195:21; 196:06-196:09; 199:16 -200:01; 200:14-200:15; 97:08 -100:04; 108:16 -109:15; 110:14-110:20; 120:20-122:19; 177:02-177:04; 192:15-193:06; 199:16-200:15; 201:05-202:07; 205:07-206:01; 218:03-218:06. |
| Pls.' WC Ex. 173 | 37 | Designated Dep. Tr. Brian French (11/6/08), with plaintiffs' designations highlighted: 142:08 -142:19; 156:04-157:19; 164:04-165:02; 190:13 -190:15; 193:07-194:07; 194:08; 195:13-196:01; 196:13-196:17. |
| Pls.' WC Ex. 174A | 38 | Designated Dep. Tr. Joseph Jr. Frisco (12/7/07), with plaintiffs' designations highlighted: 33:18- 34:07; 34:16- 35:22; 47:22- 48:02; 48:14- 49:10; 50:22- 51:05; 65:22- 67:05; 69:05- 69:17; 113:06- 113:09; 114:03-114:13; 122:12-15; 131:22- 133:13; 133:21-134:14; 163:03- 164:11; 182:6- 22; 183:1-15; 184:08-184:18; 192:19- 193:12; 243:07- 244:09; 251:18- 251:22; 253:02- 253:19; 254:10- 254:21; 270:04- 271:05; 272:11- 272:20; 277:15- 278:07; 304:09- 305:01; 306:02- 306:14; 307:01- 307:04; 308:20- 308:22; 311:03; 319:02- 321:16; 324:04- 325:18; 328:05- 328:16; 335: 05- 335: 17; 336:01- 336:15; 337:22-338:02; 339:04- 340:13; 342:10- 342:16; 343:12- 343:21; 345:3- 16; 357:04- 357:20. |
| Pls.' WC Ex. 174B | This exhibit will be filed with the clerk on compact disk. As video footage, the exhibit is not in a format that readily | Plaintiffs' Designated Video Footage of Deposition of Joseph Jr. Frisco (12/7/07): 163:03- 164:11; 277:15- 278:07; 319:02- 321:16; 324:04- 325:18; 328:05- 328:16; 336:01- 336:15; 339:04- 340:13; 342:10- 342:16; 343:12- 343:21; 357:04- 357:20. |

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| | permits electronic filing. | |
| Pls.' WC Ex. 175 | 39 | Designated Dep. Tr. Gary Jacobson (10/24/07), with plaintiffs' designations highlighted: 20:10-20:13; 20:17-20:18; 21:10-21:11; 21:14-21:15; 22:21-23:02; 23:15-23:22; 24:04-24:07; 28:19-30:14; 80:17-81:03; 84:13-84:16; 104:05-105:05; 153:01-153:06; 153:09; 153:13-153:14; 154:14-155:01; 155:05-156:20; 157:01-157:03; 158:01-158:07; 158:11-158:15; 159:01-159:19; 160:01-162:11; 162:18-163:21; 164:04-164:14; 173:15-173:17; 197:12-198:09; 199:01-199:19; 200:06-200:11; 218:22-219:02; 219:06-219:09; 239:21-240:11; 241:08-243:02; 243:07-244:13; 244:14-245:17; 246:18-246:20; 271:12-271:20; 273:19-274:02; 275:04-276:18; 277:13-278:21; 279:19-280:05; 280:09-280:22; 281:09-281:11; 314:01-314:07. |
| Pls.' WC Ex. 176 | 40 | Designated Dep. Tr. Gary Jacobson (11/20/07), with plaintiffs' designations highlighted: 29:02-29:11; 48:21-49:03; 49:11-49:13; 49:19-49:20; 82:03-82:13; 82:18-83:09; 84:19-84:22; 85:13-85:20; 96:05-96:17. |
| Pls.' WC Ex. 177A | 41 | Designated Dep. Tr. Troy Metzler (7/25/06), with plaintiffs' designations highlighted: 5:14- 5:18; 30:04- 31:09; 32:17- 32:19; 54:18- 55:14; 62:18- 63:03; 63:08- 63:11; 63:15- 64:20; 81:08- 81:16; 87:17- 88:08; 93:05- 95:07; 101:08- 101:13; 103:19 - 104:02; 107:02- 107:14; 110:03-110:11; 110:15-111:14; 124:13- 125:03; 126:06- 126:18; 127:22- 130:21; 133:02- 133:10; 136:07- 136:15; 138:12- 138:18; 138:19- 148:17; 186:20- 187:06; 189:14- 189:21; 189:22- 190:20; 191:09- 191:11; 193:09- 193:15; 193:18- 193:22; 194:13- 194:19; 197:20- 197:22; 199:07- 200:03; 204:04- 204:15; 208:05- 208:17; 209:07- 209:16; 209:20- 211:14; 222:14- 223:20; 224:20- 225:04; 225:11- 225:22; 226:11- 231:12; 246:19- 247:03; 259:03- 259:06; 259:21- 260:01; 305:04- 305:07; 305:14- 305: 18; 342:02- 342:20; 358:15- 358:19; 368:12- 368:15. |

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| Pls.' WC Ex. 177B | This exhibit will be filed with the clerk on compact disk. As video footage, the exhibit is not in a format that readily permits electronic filing. | Plaintiffs' Designated Video Footage of Deposition of Troy Metzler (7/25/06): 222:14-223:20; 224:20- 225:04; 225:11- 225:22; 226:11-231:12. |
| Pls.' WC Ex. 178 | 42 | Designated Dep. Tr. Jeff Pettigrew (Nov. 14, 2008), with plaintiffs' designations highlighted: 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; 108:22 - 109:07; 114:14 - 115:17; 116:15 -117:09. |
| Pls.' WC Ex. 179 | 43 | Designated Dep. Tr. Daniel Raffo (Dec. 2, 2008), with plaintiffs' designations highlighted: 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. |
| Pls.' WC Ex. 180 | 44 | Designated Dep. Tr. Robert Ridley (8/25/06), with plaintiffs' designations highlighted: 14:14- 14:16; 14:20-14:21; 54:15- 54:16; 55:10- 55:13; 55:20- 56:02; 57:20- 57:23; 58:02- 58:18; 59:10- 60:16; 63:23 - 63:25; 64:03- 64:25; 65:15- 65:21; 65:25- 66:02; 67:16- 67:18; 67:23- 67:24; 68:03- 68:04; 68:08- 68:15; 68:21- 68:23; 95:01- 95:14; 96:23- 97:01; 97:07- 97:11; 98:20- 100:02; 100:21- 101:01; 105:20- 105:25; 106:10- 106:14; 106:19- 107:06; 108:04- 108:15; 128:10- 128:12; 128:15- 128:20; 128:22- 128:24; 134: 14- 134:21; 136:14- 138:13; 139:20- 140: 12. |
| Pls.' WC Ex. 181A | 45 | Designated Dep. Tr. Betsy Swart (3/18/05), with plaintiffs' designations highlighted: 44:14- 44:24; 49:17- 50:18; 52:22- 53:03; 57:05- 58:11; 58:17- 59:01; 59:02- 60:15; 60:20- 61:06; 62:19- 63:09; |

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| | | 64:01- 65:18; 69:21- 69:23; 80:15-19; 108:08-109:23. |
| Pls.' WC Ex. 181B | This exhibit will be filed with the clerk on compact disk. As video footage, the exhibit is not in a format that readily permits electronic filing. | Plaintiffs' Designated Video Footage of Deposition of Betsy Swart (3/18/05): 44:14-44:24; 49:17- 50:18; 52:22- 53:03; 57:05- 58:11; 59:02- 60:15; 60:20- 61:06; 62:19- 63:09; 64:01-65:18; 108:08- 109:23. |
| Pls.' WC Ex. 182 | 46 | Designated Dep. Tr. Alejandro Vargas (5/31/07), plaintiffs' designations highlighted: 19:08-19:13; 20:19-21:03; 21:14-21:19; 22:02-22:10; 25:10-25:22; 40:15-40:20; 44:04-44:20; 47:10-48:22; 51:19 -52:12; 54:13-56:01; 68:02-69:12; 69:17-69:19; 70:03; 86:21-88:14; 88:20-90:10; 102:01-103:18; 112:07-113:12; 113:21-114:16; 115:17-116:08; 116:19-117:01; 117:08-117:13; 119:04-120:15; 122:06-122:18; 124:02-124:16; 124:10-16; 128:05-128:10; 128:17-130:03; 186:14-187:11; 187:15-187:18; 188:21-189:02; 227:19-227:20; 227:21-228:01; 228:13-22; 229:01; 230:13-231:01; 231:07-233:08; 253:51-254:03. |
| Pls.' MC Ex. 27 | 47 | 2007 Animal Care Routine (FEI 49043-49063) |
| Pls.' MC Ex. 75 | 48 | 2002 Brochure for the Center for Elephant Conservation (FELD 3354-3357) |

Respectfully submitted,

/s/ Delcianna J. Winders

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Dated: February 25, 2009

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