

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)

DEFENDANT’S WITNESS AND EXHIBIT LIST FOR WEDNESDAY, MARCH 4, 2009

Defendant hereby provides notice of the following list of witnesses who are likely to testify on Wednesday, March 4, 2009 and the exhibits defendant intends to introduce that same date. In addition to the witnesses and exhibits listed in this notice, defendant also may call any witnesses or introduce and/or rely upon any exhibits previously identified for March 3, 2009.

I. KARI JOHNSON

EXHIBIT #	Description	Evidentiary Basis
DX 24	Expert Report of Kari and Gary Johnson	Probative of Ms. Johnson’s qualification as an expert witness; Evidence of defenses to “taking” claim
DX 2	Asian Elephant Husbandry Resource Guide	Evidence of defenses to “taking” claim

EXHIBIT #	Description	Evidentiary Basis
DX 171	The Guide, Tethers & Trainings: Aids in Elephant Care (Produced to Plaintiffs on 6/13/08) Timestamp: 4:11-5:47	Demonstrative

II. GARY JOHNSON

EXHIBIT #	Description	Evidentiary Basis
DX 24	Expert Report of Kari and Gary Johnson	Probative of Mr. Johnson's qualification as an expert witness; Evidence of defenses to "taking" claim
DX 171	The Guide, Tethers & Trainings: Aids in Elephant Care (Produced to Plaintiffs on 6/13/08) Timestamp: 4:11-5:47 6:51-8:28 8:43-9:26 15:25-15:42	Demonstrative

III. DANIEL RAFFO

EXHIBIT #	Description	Evidentiary Basis
DX 32 (plus two additional pictures)	Email from Lisa Picard to Julie Strauss (4/10/00)	Credibility of lead plaintiff
PWC 135	Compilation of Defendant Video Footage (Provided to Defendant on 6/10/08) FEI 40979, Excerpt # 2 (0:44- 7:12; 7:12 -13:10) FEI 45221, Excerpt # 3 (13:10-15:18) FEI 45191, Excerpt #5, Clip 2 (24:11-30:44)	Admitted into evidence during plaintiffs' case-in-chief

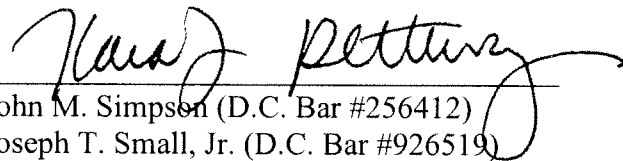
IV. ANGELA MARTIN

EXHIBIT #	Description	Evidentiary Basis
	Deposition Testimony (3/9/05) 05:10-05:12 08:18-08:23 09:02-09:03 09:06-09:16 22:16:32:04 32:10-33:07 33:23-34:16 40:21-42:03 43:19-44:05 44:19-45:04 45:17-45:23 47:05-47:15 47:24-48:07 48:23-49:03 50:11-50:20 53:07-53:23 67:16-68:04 83:21-83:25	Testimony of unavailable witness.

EXHIBIT #	Description	Evidentiary Basis
	85:06-85:13 108:10-109:22 110:04-111:15 111:22-111:25 112:05-112:07 112:20-113:10 113:15-114:07 115:02-115:23 116:15-117:10 117:14-117:19 119:09-120:08 121:19-122:08 146:04-146:12	
DX 183	Benjamin Videotape (7/26/99) Timestamp: 2:41-8:00	Evidence of defenses to "taking" claim

Dated this 27th day February, 2009.

Respectfully submitted,



John M. Simpson (D.C. Bar #256412)
 Joseph T. Small, Jr. (D.C. Bar #926519)
 Lisa Zeiler Joiner (D.C. Bar #465210)
 Lance L. Shea (D.C. Bar #475951)
 Michelle C. Pardo (D.C. Bar #456004)
 Kara L. Petteway (D.C. Bar #975541)

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