

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	Civ. No. 00-01641 (EGS)
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROS. AND BARNUM)	
& BAILEY CIRCUIT, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**PLAINTIFF THE FUND FOR ANIMALS' RESPONSES AND OBJECTIONS TO
DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFFS
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
ANIMAL WELFARE INSTITUTE, AND FUND FOR ANIMALS**

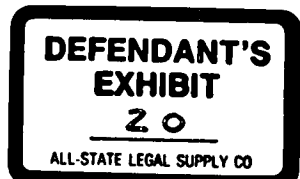
Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff The Fund for Animals ("The Fund") hereby offers the following objections and responses to Defendants' First Set of Interrogatories to The Fund.

DEFINITIONS

1. As used herein, "irrelevant" means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. The Fund's general objections, as set forth herein, are to be considered continuing objections and responses to the specific Interrogatories that follow, even if not referred to in the objection and response to a specific Interrogatory. The Fund's



objections and responses given herein shall not be construed to waive or preclude any objections it may later assert.

2. The Fund objects to each Definition and Instruction and each Interrogatory to the extent that they are vague, ambiguous, overly broad, unduly burdensome, or seek irrelevant information.

3. The Fund objects to each Definition and Instruction and each Interrogatory to the extent that it seeks to impose obligations on The Fund beyond the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

4. The Fund objects to each Definition and Instruction and each Interrogatory to the extent that it seeks information protected against disclosure by the attorney-client privilege, the work-product doctrine, or any other privilege, immunity, doctrine, or rule of confidentiality. The Fund further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate any of the privacy or other rights of individuals.

5. In responding to these Interrogatories, The Fund does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, The Fund does not concede by responding that the information sought or produced is relevant to the subject matter of this action or is calculated to lead to the discovery of admissible evidence. The Fund expressly reserves the right to object to further discovery into the subject matter of these Interrogatories and the right to object to the introduction into evidence of any of the information provided in response to the Interrogatories.

6. The Fund reserves the right to amend or supplement its responses and objections to the Interrogatories if additional or different responsive information is discovered during discovery or otherwise hereafter.

7. Although The Fund has exercised due diligence in responding to the Interrogatories, without waiving the foregoing objections or the specific objections set forth in the responses to particular interrogatories, there may be instances in which The Fund used an incorrect name or other identifying information with respect to identifying individuals or animals involved in a particular incident that occurred, or it used an incorrect date to describe a particular incident that occurred.

SPECIFIC OBJECTIONS TO DEFINITIONS

1. The Fund objects to the definition of “describe” to the extent it seeks to impose discovery obligations exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information.

2. The Fund objects to the definition of “identify” to the extent it seeks to impose discovery obligations on The Fund exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information. In particular, where a business address is available for an individual identified, The Fund objects to the instruction to provide a home address on the grounds that it invades personal privacy rights and seeks overly broad and irrelevant information.

RESPONSES AND SPECIFIC OBJECTIONS

The Fund incorporates herein by reference its Definitions and General Objections with respect to each Interrogatory to which those objections apply, as though fully set forth therein, and no specific objection or response is intended or shall be construed to waive any of those objections. Subject to and without waiving those objections, The Fund responds to defendants' Interrogatories as follows:

Interrogatory No. 1:

Identify each and every person you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.

Response to Interrogatory No. 1:

Subject to and without waiving the general objections to these Interrogatories, The Fund states that, with one exception, the plaintiffs have not yet determined which persons they expect to call as witnesses in this case. The one exception is that plaintiffs expect to call Tom Rider as a witness in this case. He will testify about the mistreatment of elephants that he witnessed while he worked at Ringling Brothers, and the mistreatment he has observed since he left Ringling Brothers. More specific information about the substance of his testimony is provided in Mr. Rider's answers to Defendants' First Set of Interrogatories directed at Mr. Rider, Nos. 9, 11, 12, 14, 17, 18, and 19, and those answers are hereby incorporated by reference.

Interrogatory No. 2:

Identify each person within your organization who has any responsibility for, or authority over, your policy regarding the presentation of elephants in circuses.

Objection and Response to Interrogatory No. 2:

The Fund objects to this Interrogatory on the grounds that the terms “responsibility,” “authority,” and “policy” are vague and ambiguous. Subject to and without waiving this objection or plaintiffs’ general objections to these Interrogatories, The Fund states that Michael Markarian, President of The Fund, in conjunction with the Board of Directors, has authority over The Fund’s policy regarding the presentation of elephants in circuses. Mr. Markarian’s business address is: The Fund for Animals, World Building, 8121 Georgia Avenue, Suite 301, Silver Spring, MD, 20910. His business phone number is (301) 585-2591. The members of the Board of Directors are: Marian Probst (Chair), Michael Markarian (President), Judy Newy (Vice President), Barbara Brack, Del Donati, Neil Fang, Mary Max, Edgar Smith, and Kathryn Walker. All of the members of the Board can be reached through The Fund for Animals, 200 West 57th Street, New York, NY, 10019, (212) 246-2096.

Interrogatory No. 3:

Identify each person within your organization who had any decision-making responsibility regarding whether to file this lawsuit.

Objection and Response to Interrogatory No. 3:

The Fund objects to this interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving this objection or the general objections to these Interrogatories, the Fund states that Michael Markarian, then-Executive Vice President, Marian Probst, Chair of the Board of Directors, Heidi Prescott, National Director, and Christine Wolf, Director of International and Government Affairs, in conjunction with the Board of Directors, had decision-making responsibility regarding whether to file this lawsuit. The business address for Michael Markarian, Heidi Prescott,

and Christine Wolf is: The Fund for Animals, World Building, 8121 Georgia Avenue, Suite 301, Silver Spring, MD, 20910. Members of the Board are available through The Fund for Animals, 200 West 57th Street, New York, NY, 10019, (212) 246-2096.

Interrogatory No. 4:

Identify each of your employees or volunteers who has any training or experience in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience.

Objection and Response to Interrogatory No. 4:

The Fund objects to this Interrogatory on the grounds that the terms “experience” and “treatment” are vague and ambiguous. Subject to and without waiving this or the general objections, The Fund states that Alfredo Govea, a ranch-hand at The Fund’s Black Beauty Ranch, has experience working with an Asian elephant named “Tara” (a.k.a. “Fanny”), who lived at Black Beauty Ranch from 1993 to August 2003. Alfredo was primarily responsible for the Tara’s feeding, footcare, environmental enrichment, daily shower, and daily cleaning of Tara’s stall and yard. Mr. Govea received some training in elephant care from Karen Gibson and her staff at the Houston Zoo. In addition, Mr. Govea has consulted a text on elephant foot care. Local veterinarians were available to tend to Tara’s medical and health needs.

D.J. Schubert, Manager of Black Beauty Ranch, also has some experience working with Tara, and was responsible for feeding Tara, addressing her environmental enrichment needs, and cleaning her stall and yard when Mr. Govea was not available. Mr. Schubert learned to care for Tara by working with Mr. Govea. The use of an ankus is strictly prohibited at Black Beauty Ranch. “Tethering” animals is also prohibited at Black Beauty Ranch except for in the case where an animal must be restrained for an

emergency medical procedure. Neither Mr. Schubert nor Mr. Govea ever “tethered” Tara. Both Mr. Govea’s and Mr. Schubert’s business address is Black Beauty Ranch, P.O. Box 367, Murchison, Texas, 75778, (903) 469-3811.

Interrogatory No. 5:

Describe every incident in which you contend that one or more of defendants’ employees harmed one of defendants’ elephants.

Objection and Response to Interrogatory No. 5:

The Fund objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Plaintiff Tom Rider saw mistreatment of elephants almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. This included, but was not limited to, handlers and trainers hitting elephants with bull hooks and other instruments, beating elephants, and keeping the elephants chained for long periods of time, both on and off the train. These incidents are too numerous to describe in detail. In addition, The Fund alleges that this kind of mistreatment occurs routinely at Ringling Bros., and for that reason also, the incidents of harm are too numerous to list.

Subject to and without waiving the foregoing or general objections to these Interrogatories, The Fund provides a list of incidents responsive to this Interrogatory below.

June 4, 1997, Austin, TX. Mr. Rider saw Ringling handlers use a bull hook to poke and stab elephants.

June 12-15, 1997, Lubbock, TX. Mr. Rider saw handlers hook elephants, and use the bull hook in an abusive way to make the elephants raise their legs.

June 19-22, 1997, Little Rock, ARK. Mr. Rider saw Ringling handlers doing a lot of hooking and hitting elephants with bull hooks. In Little Rock, the elephants were taken

off the train, put into a building, and chained the entire time, except when they were either performing or rehearsing.

June 24-25, 1997, Tulsa, OK. Mr. Rider saw elephants hit and hooked with bull hooks.

June 27-29, 1997, Oklahoma City, OK. Mr. Rider observed handlers hooking, poking, and stabbing elephants with bull hooks. Whenever the handlers came in to clean the elephants, they hooked and hit the animals.

July 3-6, 1997, Memphis, TN. Mr. Rider saw elephants get panicky because fireworks were going off, and the handlers reacted by hitting the elephants with bull hooks in an effort to make them settle down.

July 8-9, 1997, Tupelo, Miss. Mr. Rider saw Graham Chipperfield use a bull hook on the elephant Karen – he hooked her under her leg so hard he almost tripped her; other handlers were hooking and poking and stabbing the elephants.

July 11, 1997, Jacksonville, MS. Mr. Rider witnessed handlers Jeff Pettigrew, Franko, Sonny, and others, hooking and hitting elephants with bull hooks.

July 15-27, 1997, Houston, TX. Mr. Rider witnessed the elephants kept chained in a row for most of the time; the only time they were taken outside was to get water.

July 30-August 10, 1997, Dallas, TX. Mr. Rider witnessed handlers hit, stab and poke elephants with bull hooks.

August 15-17, 1997, Ft. Worth, TX. Mr. Rider witnessed the elephants kept inside the building the whole time, with no exercise, chained up. Every time the handlers came in to clean up the elephants, they hooked and hit the elephants with bull hooks.

August 21-24, 1997, New Orleans, LA. Mr. Rider witnessed the elephants kept inside the Superdome the entire time, and he witnessed a lot of hitting and stabbing of the elephants with bull hooks.

August 29-31, 1997, Wichita, KS. Mr. Rider witnessed the elephants kept inside the coliseum the entire time, and whenever the handlers laid the elephants down, they hit them with bull hooks.

Sept. 9-12, 1997, Milwaukee, WI. Mr. Rider witnessed the elephants being hooked and hit with bull hooks. When the handlers came in to clean up the elephants, they would hook and hit the animals with bull hooks.

Sept. 12-14, 1997, Moline, IL. Mr. Rider saw the elephants chained up all day long, except when they were rehearsing or performing. He also saw handlers hook and hit the elephants with bull hooks every day.

Sept 17-21, 1997, Kansas City, MO. Mr. Rider observed that the elephants were kept inside the building, with no exercise, chained the entire time except when they were performing or rehearsing, and they were hooked and hit repeatedly.

Sept. 24-28, 1997, Indianapolis, IN. Mr. Rider witnessed the elephants chained the entire time, except when they went into the arena or to do a show, and he saw handlers hook and hit the elephants whenever they cleaned them.

Oct. 1-5, 1997, Detroit, MI. Mr. Rider saw Jeff Pettigrew hook and hit elephants.

Oct. 8-19, 1997 Boston, MA. Mr. Rider observed that the elephants were inside the entire time and did not get any exercise, they were constantly chained, and poked and hit with bull hooks.

Oct. 22-26, 1997, Pittsburgh, PA. Mr. Rider saw Alex Vargas hit the elephants, and the elephants were screaming.

Oct. 29- Nov. 2, 1997, Buffalo, NY. Mr. Rider saw handlers hook and hit elephants constantly, when the elephants were being taken on and off the train.

Nov. 5-9, 1997, St. Louis, MO. Mr. Rider saw the elephants hooked and hit when they were being cleaned.

Winter Quarters, 1997, Tampa, FL. Mr. Rider witnessed elephants hit with bull hooks during rehearsals.

Jan. 15-18, 1998, Orlando, FL. Mr. Rider saw Randy Peterson hit elephants with bull hooks.

Jan. 21-25, 1998, Birmingham, AL. Mr. Rider saw elephants hooked and hit with bull hooks.

Jan. 28- Feb. 1, 1998, Asheville, NC. Mr. Rider witnessed handlers hit elephants with bull hooks as they got off the train and as they walked in the snow, to make the elephants walk faster.

Feb. 3-8, 1998, Knoxville, TN. Mr. Rider observed handlers hook and hit elephants.

Feb 11-15, 1998, Greensboro, NC. Mr. Rider observed Randy Peterson hit and hook elephants with bull hooks.

Feb 18-22, 1998, Richmond, VA. Mr. Rider witnessed Andy Weller and Jeff Pettigrew beat the elephants Zina and Rebecca severely; when they were done beating the elephants, Mr. Rider had to use "wonder dust" to cover up about 30 hook wounds on Zina, and 20 wounds on Rebecca.

Feb. 25 - March 1, 1998, Knoxville, VA. Mr. Rider witnessed that the elephants were inside the entire time, on chains, except when they were performing or rehearsing.

March 10-15, 1998, East Rutherford, NJ. Mr. Rider witnessed that the elephants were inside the entire time, chained; he saw Randy Peterson beat the elephants Minnie and Kamala with a bull hook.

March 17-23, 1998, Uniondale, NY. Mr. Rider saw handlers hit and hook elephants with bull hooks.

March 27-April 13, 1998, New York City, NY. On the 5th floor of Madison Square Garden, Mr. Rider witnessed that the elephants were chained up all day long, except when they were rehearsing or performing. He also saw the elephants hooked, hit, and smacked around by handlers.

April 15-26, 1998, Philadelphia, PA. Mr. Rider witnessed Adam Hill hit and hook elephants with a bull hook.

April 29- May 29, 1998, Providence, RI. Mr. Rider witnessed that the elephants were inside, chained most of the time, and got no exercise. He saw them hooked when they were brought off the train, and hooked and hit when they were being cleaned.

May 5-6, 1998, Springfield, MA. Mr. Rider saw handlers constantly hit and hook the elephants with bull hooks, and the elephants were chained most of the time.

May 8-10, 1998, Worcester, MA. Mr. Rider observed that the elephants were inside and chained most of the time, and the handlers hooked and hit the elephants.

May 12-13, 1998, New Haven, CT. Mr. Rider saw Pat Harned beat the baby elephant Benjamin because he was playing with another baby named Shirley. He also saw Harned beat the elephant Karen, when she rattled her chain; Harned beat her for 23 minutes.

May 15-17, 1998, Hartford, CT. Mr. Rider witnessed handlers poke and hit elephant with bull hooks; he saw the baby elephants Benjamin and Shirley hit with bull hooks.

May 23-25, 1998, Hershey, PA. Mr. Rider saw handlers hit elephants with bull hooks.

May 28-31, 1998, Albany, NY. Mr. Rider saw handlers hook and hit elephants with bull hooks.

June 2-3, 1998, Syracuse, NY. Mr. Rider saw the elephants hit and hooked with bull hooks by handlers.

June 5-7, 1998, Rochester, NY. Mr. Rider witnessed handlers hit elephants with bull hooks.

June 11-14, 1998, Washington, KY. Mr. Rider saw handlers hook and hit elephants with bull hooks on the walk going to and from the train, and when the elephants were being cleaning up at night.

June 18-21, 1998, Lubbock, TX. Mr. Rider saw Tony Rodriquez and Randy Peterson hit elephants with bull hooks.

July 1-15, 1998, Phoenix, AZ. Mr. Rider saw elephants hit and hooked by handlers.

July 8 -12, 1998, Fresno, CA. Mr. Rider saw lots of hitting and hooking of the elephants on and off the train.

July 22-26, 1998, Los Angeles, CA. Mr. Rider witnessed handlers hitting elephants on the 3.5 mile walk from the train, and after the elephants arrived at the arena.

July 28 - Aug. 4, 1998, Anaheim, CA. Mr. Rider saw Pat Harned and Randy Peterson hit the elephant Lechme with a bull hook.

Aug. 6-9, 1998, Englewood, CA. Mr. Rider observed handlers hooking and hitting elephants during the walk, and during the warm up before the show; he saw handlers hit the elephants with bull hooks behind their legs to make them go faster.

Aug. 12-16, 1998, San Diego, CA. Mr. Rider saw handlers hook and hit elephants on and off the train.

Aug. 25-30, 1998, San Jose, CA. Mr. Rider witnessed elephants struck with bull hooks behind their ears.

Sept. 2-7, 1998, San Francisco, CA. Mr. Rider saw Adam Hill smack an elephant on the trunk, and Robby Costillo stab elephants under their chins to make them raise their trunks up.

Sept. 9-13, 1998, Sacramento, CA. Mr. Rider saw handlers hit elephants when they got off the train and during the long walk to the arena.

Sept. 17-20, 1998, Seattle, WA. Mr. Rider saw the elephants chained constantly in a small room, and he saw handlers hit and hook them with bull hooks.

Sept. 22-23, 1998, Spokane, WA. Mr. Rider saw handlers hook and hit elephants on the train and when they went into the show warm up before the show.

Sept. 25-27, 1998, Portland, OR. Mr. Rider witnessed handlers hook and hit the elephants constantly on the train, and during warm up.

Sept. 30 - Oct. 4, 1998, Salt Lake City, UT. Mr. Rider saw handlers hit the elephants with bull hooks.

Oct. 7 - 18, 1998, Denver, CO. Mr. Rider witnessed elephants hooked and hit with bull hooks.

Oct. 23 - Nov. 1, 1998, Cleveland, OH. Mr. Rider witnessed handlers hook and hit elephants with bull hooks on and off the train.

Nov. 4-15, 1998, Rosemont, IL. Mr. Rider observed Randy Peterson beat the elephant Nicole.

Nov. 17-29, 1998, Chicago, IL. Mr. Rider saw handlers hook and hit elephants with bull hooks.

Dec. 3-6, 1998, Huntsville, AL. Mr. Rider observed handlers hooking and hitting elephants, when they were coming off the train. He saw Adam Hill hit the elephants Karen and Sophie with a bull hook.

Winter Quarters, 1998, Tampa, FL. Mr. Rider saw the elephants chained the majority of the time, even though this is the only time during the year when they are not on the road performing.

Dec. 26, 1998 - Jan 3, 1999, Miami, FL. Mr. Rider witnessed handlers hooking and hitting elephants to get them into the arena. He saw a handler named Scott hit elephants with a bull hook.

Jan. 7-10, 1999, Sunrise, FL. Mr. Rider witnessed daily hooking and hitting of elephants.

Jan 14-18, 1999, Jacksonville, FL. Mr. Rider saw elephants hit with bull hooks.

Jan. 21-24, 1999, North Charleston, SC. Mr. Rider witnessed handlers hooking and hitting elephants with bull hooks repeatedly.

Jan. 28-31, 1999, Macomb, GA. Mr. Rider saw elephants hit with bull hooks every day; if they did not do something right, they got hooked and hit.

Feb. 2-3, 1999, Augusta, GA. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 5-7, 1999, Columbia, SC. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 10-14, 1999, Raleigh, NC. Mr. Rider witnessed handlers hit and hook the elephants with bull hooks.

Feb. 17-21, 1999, Charlotte, NC. Mr. Rider saw handlers hit the elephants with bull hooks when they were getting the animals off the train and during the walk.

Feb. 25-28, 1999, Fayetteville, NC. Mr. Rider saw the elephants hooked and hit repeatedly by handlers.

March 3-7, 1999, Cincinnati, OH. Mr. Rider saw the elephants hit with bull hooks as they got off the train, and as they were walked down and put in tents; Mr. Rider saw Randy Peterson hit the elephant Nicole on the head with a bull hook.

March 10-21, 1999, Baltimore, MD. Mr. Rider witnessed the elephants hit with bull hooks.

March 24-28, 1999, Washington, DC. Mr. Rider observed handlers hook and hit elephants inside the arena, and he saw Pat Harned beat the baby elephant Benjamin.

April 16-18, 1999, Landover, MD. Mr. Rider saw handlers hit elephants with bull hooks.

April 22-25, 1999, Charleston, WV. Mr. Rider witnessed handlers hook elephants as they took them off the train; he also saw handlers hit elephants with bull hooks inside the arena, and when the elephants went into the show, and he saw handlers beat the elephants with bull hooks behind their legs.

April, 1999, Chattanooga, TN. Mr. Rider witnessed handlers beat elephants named Sophie and Karen; and he also saw a severe beating of the elephant Nicole.

May 5-8, 1999, Tulsa, OK. Mr. Rider observed handlers hooking elephants as they took them off the train, on the walk, and when they got to the arena.

May 12-16, 1999, San Antonio, TX. Mr. Rider saw Adam Hill beat the elephants with bull hooks.

May 26-30, 1999, Ft. Wayne, IN. Mr. Rider saw elephants hooked and hit on the walk; it was raining, and the handlers were smacking the elephants to make them go faster.

June 2-6, 1999, Columbus, OH. Mr. Rider again saw handlers hook and hit elephants on the train, before the animals went into the show, and whenever the animals did not do something right.

June 9-13, 1999, Toledo, OH. Mr. Rider saw handlers hook and hit elephants on the train, and when the animals were being taken off the train.

June 23-27, 1999, Ottawa, Ontario, Canada. Mr. Rider saw Adam Hill, Pat Harned, and Randy Peterson beat the elephants with bull hooks, to get them back in the pen.

July 2-11, 1999, Toronto, Ontario, Canada. Mr. Rider saw elephants hit with bull hooks.

July 16-25, 1999, Houston, TX. Mr. Rider saw Pat Harned hit Benjamin with a bull hook, and he saw handlers hit and hook the other elephants as well.

Aug. 11-15, 1999, Ft. Worth, TX. Mr. Rider witnessed handlers hook and hit elephants with bull hooks.

Aug. 18-22, 1999, Colorado Spring, CO. Mr. Rider saw handlers hit elephants with bull hooks.

Aug. 26-29, 1999, Wichita, KS. Mr. Rider witnessed handlers hitting elephants with bull hooks.

Sept. 2-5, 1999, Moline, IL. Mr. Rider saw elephants hooked and hit constantly, on the train and before the show.

Sept. 8-27, 1999, Kansas City, MO. Mr. Rider saw repeated hooking and hitting of elephants with bull hooks.

Sept. 15-19, 1999, Indianapolis, IN. Mr. Rider saw elephants hit and hooked with bull hooks.

Sept. 22-25, 1999, Grand Rapids, MI. Mr. Rider saw elephants hooked and hit with bull hooks; he saw Randy Peterson beating elephants.

Sept. 30-Oct. 3, 1999, Buffalo, NY. Mr. Rider saw lots of hooking and hitting of elephants.

Oct. 7-10, 1999, Detroit, MI. Mr. Rider witnessed hooking and hitting of the elephants.

Oct. 15-24, 1999, Boston, MA. Mr. Rider observed a handler named James, who came up from the Ringling breeding farm in Florida, hit an elephant with a bull hook. There were five baby elephants there, and Mr. Rider saw Gary Jacobson and Dave Whaley hitting and hooking the baby elephants.

Oct. 27-31, 1999, Pittsburgh, PA. Mr. Rider again saw handlers hit and hook elephants with bull hooks.

Additional incidents when Ringling employees harmed one or more of their elephants are recorded on videotapes that plaintiffs are producing in response to the defendants' document production requests. These incidents were observed by several people, including one or more of the following videographers:

Deniz Bolbol	P.O. Box 5656 Redwood City, CA 94063 650-654-9955
Kindall Cross	WTAE-TV 400 Ardmore Blvd. Pittsburgh, PA 15221 412-242-4300
Joseph Patrick CuvIELlo	P.O. Box 2834 Redwood City, CA 94064 650-369-5533
Tracey DeMartini	245-M Mt. Hermon Rd. #276 Scotts Valley, CA 95066 510-601-1807
Pat Derby	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809
Chris Green	Defenders of Animal Rights in Tulsa 7107 S. Yale Ave. Tulsa, OK 74136
Barbara Grove	650-430-0989
Alfredo Kuba	500 W. Middlefield Rd, #178 Mountain View, CA 94043 650-965-8705
Tom Rider	c/o 706 Taft Washington, IL 61571 309-444-3782
Ed Stewart	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809

Those incidents include the following:

Cow Palace
Daly City, CA

Troy Metzler hit elephants with bull hooks;

2000	Dave Whaley hooked elephants with a bull hook, hit elephants on their legs; Dave Whaley used a leatherman/knife to clip an elephant on the elephant's side; Elephants were chained most of the time
San Jose, CA 2000	Handlers hit elephants, including babies, with bull hooks under their chins; Brian Christiani jabbed elephants with a bull hook
Tulsa, OK Jan. 5, 2001	"Sonny" hooked an elephant; Sara Houcke jabbed an elephant with a bull hook;
San Jose, CA 2001	Handlers hit elephants with bull hooks
Aug./ Sept. 2001 Daly City, CA	Handlers, including Rick Bogar hit elephants with bull hooks; Mark Gebel used a bull hook on elephants
Pittsburgh, PA Nov. 1, 2001	Handlers Troy Metzler and Sonny hit elephants with bull hooks
Tulsa, OK 2000	Robert Ridely ("Sonny") got a bull hook stuck in an elephant's mouth
Oakland, CA Aug. 18, 2002	Troy Metzler hit elephants with bull hooks; The baby elephant named Doc was chained and exhibiting stereotypic behavior
Daly City, CA Aug. 25, 2002	Jeff Pettigrew stuck a bull hook in an elephant's mouth and twisted it
San Jose Aug. 25, 2002	Troy Metzler used a bull hook in the mouth of an elephant; and hooked the baby elephant named Doc
Oakland, CA 2000	Sonny and Brian Christiani hit elephants with bull hooks

San Jose, CA August 21, 2002	Jeff Pettigrew jabbed elephants with a bull hook
September 3, 2002	Troy Metzler hit elephants with a bull hook, and grabbed the trunk of an elephant with a bull hook
Daly City, CA Aug. 26, 2002	A handler hit the baby elephant Angelica under the chin with a bull hook
San Jose, CA Aug. 24, 2004	A handler jabbed an elephant's foot with a bull hook; a handler grabbed an elephant with a bull hook
San Jose, CA 2001	Handlers jabbed and hit elephants with bull hooks
Daly City, CA 2001	Rick Bogar hit an elephant with a bull hook
Sacramento, CA 1999	Roy Wells jabbed an elephant with a bull hook
Daly City, CA 1999	A handler hooked an elephant on the ear
San Jose, CA 1998	Sonny jabbed an elephant with a bull hook
Atlanta, GA Feb. 21, 2002	Handlers grabbing elephants behind ears with bull hooks
Daly City, CA 2001	Bogar used a bull hook on an elephant
San Jose, CA Aug. 25, 2002	Handlers hooked elephants in their mouths
Sacramento, CA Sept., 2002	A handler hooked a baby elephant on the elephant's trunk and jabbed it under the elephant's chin

Oakland, CA
Aug. 21, 2003

Handlers used bull hooks on elephants; a handler stepped on the trunk of an elephant and hit an elephant with a bull hook

San Jose, CA
Sept. 5, 2003

A handler hooked and jabbed elephants; Bogar hit an elephant on the elephant's trunk with a bull hook; Sasha Houke used a bull hook on elephants

Daly City, CA
Sept., 2003

Alex Petrov jabbed an elephant with a bull hook

Reno, NV
Sept., 2003

Handlers pulled elephants with bull hooks; jabbed elephants with bull hooks

Additional incidents include:

Kelly Tansy witnessed additional incidents of beatings, hitting of elephants with bull hooks and other instruments, and prolonged chaining, when he worked for Ringling Bros. His address is 1829 West Gardner, Spokane, WA 99201 (509) 327-5988.

Spring, 1984 or 1985 – Madison Square Garden, NYC - In the evening, a New York City police officer, Joe Pentangelo, witnessed the beating of a chained elephant with a shovel for 5-10 minutes. Mr. Pentangelo currently works for the ASPCA, 424 92nd Street, New York, New York 10128-6804 (212) 876-7700.

Mexico, 1998 - off-loading of elephants, Gunther Gebel-Williams struck two baby elephants in the face with a whip, witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Mexico, 1998 - during a performance, Gunther Gebel-Williams struck elephants - witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

October, 2002 – Auburn Hills, Michigan - a Ringling handler struck an elephant with a metal rod behind her front leg, witnessed by Doreen Rudnick, 6832 Fredmoor Street, Troy, MI 48098.

In further response to this Interrogatory, The Fund hereby incorporates by reference the specific incidents set forth in the sworn affidavit that Mr. Rider provided to the United States Department of Agriculture on July 20, 2000 which is being provided by Mr. Rider in response to defendants' document production request to him. The Fund also incorporates by reference all of the information that is contained in the report prepared by the ASPCA, The Fund for Animals, and the Animal Welfare Institute, entitled:

"Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants" (September 2003) (hereinafter referred to as the "USDA Report"). That document is also being produced by plaintiffs in response to defendants' document production requests.

The Fund further incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Bros. personnel striking elephants with bull hooks, brooms, and other instruments, and keeping the elephants chained for long periods of time, as recorded on the videotapes that plaintiffs are producing in response to defendants' document production requests.

Interrogatory No. 6:

Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

Objection and Response to No. 6:

The Fund hereby incorporates the same objections and response that it made with respect to Interrogatory No. 5. In addition, The Fund states that Ringling Bros. "takes" both the adult and baby elephants when it removes baby elephants from their mothers and other members of their families.

Interrogatory No. 7:

State the date on which you first became aware of defendants' alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

Response to Interrogatory No. 7:

The Fund does not recall the precise date on which it first became aware of defendants' mistreatment of Benjamin. However, to the best of its recollection, The Fund first became aware of defendants' mistreatment of, and the death of, Benjamin through reports of his untimely death in late 1999. Because The Fund became aware of the mistreatment of Benjamin after he was dead, there were no incidents "thereafter."

Interrogatory No. 8:

State the date on which you first became aware of defendants' alleged mistreatment of Kenny, and describe each incident in which you contend that Kenny was mistreated.

Response to Interrogatory No. 8:

The Fund does not recall the precise date, however, to the best of its recollection, The Fund first became aware of the mistreatment and death of Kenny through reports of his untimely death in 1998. The facts concerning at least one incident of severe mistreatment, resulting in Kenny's death, are recounted in Chapter II of the USDA Report, which is hereby incorporated by reference. In addition, because plaintiffs contend that Ringling Bros. handlers routinely hit the elephants with bull hooks and other instruments, keep them chained for most of the day, and forcibly separate baby elephants from their mothers, The Fund believes that Kenny was probably mistreated many times by Ringling Bros. before he died in January, 1998.

Interrogatory No. 9:

State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

Objections and Response to Interrogatory No. 9:

The Fund objects to this Interrogatory on the ground that it is unduly burdensome and oppressive. Because Ringling Bros. officials admitted that these separation practices are "routine," The Fund contends that this kind of physical injury has probably occurred every time baby elephants have been separated from their mothers by Ringling Bros., including all the times this was done before the Doc and Angelica incident, as well as all the times it has been done since that incident. In addition, each time a baby elephant is separated from his or her mother, both the baby and the mother suffer emotional and behavioral injury, so this has occurred every time Ringling Bros. separated babies from their mothers.

Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, The Fund states that it does not recall precisely when it first learned about injuries suffered by juvenile elephants as a result of defendants' "separation" practices, but believes it was sometime in 1999. The facts surrounding that particular incident with Doc and Angelica are included in Chapter IV of the USDA Report and are hereby incorporated by reference.

Interrogatory No. 10:

Describe each complaint or report that you, any of your employees or volunteers, or anyone speaking on your behalf has made to defendants directly about the way that defendants' elephants are or were treated.

Objections and Response to Interrogatory No. 10:

The Fund objects to this Interrogatory on the ground that it would be unduly burdensome and oppressive for The Fund to ascertain each time one of its employees or volunteers made a complaint to defendants about the way that defendants' elephants are or were treated. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, The Fund states that, on behalf of The Fund, Meyer & Glitzenstein sent a notice letter pursuant to the Endangered Species Act to defendants on April 21, 2001, which incorporated by reference previous notice letters sent to defendants by Meyer & Glitzenstein on December 21, 1998 and November 15, 1999. All of these notice letters speak for themselves and, although defendants already have copies of them, they are being produced by plaintiffs in their collective response to defendants' document production request.

Interrogatory No. 11:

State each and every U.S. jurisdiction in which you have or have had official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present. Describe the nature of the official duties, any complaints or reports you received about your enforcement of those statutes or ordinances, and the outcome or result of those complaints or reports.

Response to Interrogatory No. 11:

The Fund does not have and has not had any official duties to enforce any statutes or ordinances.

Interrogatory No. 12:

Describe each inspection that you have conducted of Defendants in the course of any official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present, including the names of inspectors who conducted each inspection.

Response to Interrogatory No. 12:

See response to Interrogatory No. 11.

Interrogatory No. 13:

Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

Objections and Response to Interrogatory No. 13:

The Fund objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive. Mr. Rider saw elephants chained for "long periods of time, up to 20 hours a day," almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. The Fund also contends that Ringling Bros. continues to chain its elephants for "long periods of time, up to 20 hours a day or longer." Accordingly, it would be highly oppressive and virtually impossible for The Fund to describe each such incident. Nevertheless, subject to, and without waiving, the foregoing or general objections to these Interrogatories, The Fund provides the following additional answer to this Interrogatory:

Each and every elephant Mr. Rider named in response to Interrogatory No. 18 (that was directed to him), as well as each of the other elephants with whom he traveled in the Blue Unit from June 3, 1997 to November 25, 1999, was chained for long periods of time, up to 20 hours a day, and longer when the elephants were traveling. For example, when Ringling Bros. performs at Madison Square Garden, the elephants are chained on the 5th floor the entire time, except when they are either rehearsing or performing. They are always chained at night, they are chained when they are eating, and they are chained when they are on the train. Because this is standard practice for

Ringling, The Fund contends that all of the elephants currently in the Red Unit and the Blue Unit are chained this way.

There are also incidents of chained elephants depicted in the videotapes that plaintiffs are producing in response to defendants' document requests, and there are additional descriptions of elephants being chained that are reflected in other documents that plaintiffs are producing, including, but not limited to the USDA Report that is referenced herein. All of those materials are incorporated herein by reference.

Interrogatory No. 14:

Define "stereotypic behavior" as you use that term in the complaint and state the source of or basis for your definition.

Response to Interrogatory No. 14:

The Fund defines "stereotypic behavior" as repetitive behavior patterns, with no obvious goal or function, that are typically associated with an animal whose natural behavioral drives are impeded because of the way the animal is treated or confined. See Georgia J. Mason (1991) Stereotypies: a critical review, Animal Behaviour 41, 1015-1037.

Interrogatory No. 15:

Describe each incident in which you contend that one of defendants' elephants has exhibited "stereotypic behavior," including the name of the elephant allegedly involved.

Objection and Response to Interrogatory No. 15:

The Fund objects to this interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr. Rider saw defendants' elephants exhibit stereotypic behavior almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. It would be overly burdensome, oppressive, and virtually

impossible for The Fund to describe each such incident. In addition, The Fund contends that the Ringling Bros. elephants continue to exhibit stereotypic behavior routinely.

Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, The Fund provides the following additional answer to this Interrogatory:

The elephants rock back and forth and sway every day. The Fund contends that the elephants behave this way because of their mistreatment and confinement by Ringling Bros.

Incidents of elephants exhibiting stereotypic behavior are recorded on the videotapes that plaintiffs are producing in response to defendants' document production requests, and there are additional incidents recorded in the USDA Report that plaintiffs are also producing. Further incidents are reflected in additional materials that are being produced by plaintiffs in response to defendants' document production requests. All of these incidents are hereby incorporated by reference. Other incidents are described in response to Interrogatory No. 5 above, and that response is also incorporated herein by reference.

Interrogatory No. 16:

Describe every communication that you, any of your employees or volunteers, or any person acting on your behalf or at your behest has had with any current or former employee of defendants since 1996.

Objection and Response to Interrogatory No. 16:

The Fund objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and to the extent that it calls for information that is protected by the attorney-client privilege or the work product privilege. Subject to and without waiving

these or The Fund's general objections, The Fund states that the following communications have taken place:

D.J. Schubert, Manager for Black Beauty Ranch, has had several communications with Tom Rider since 1996. To the best of Mr. Schubert's recollection, these communications included: (1) In June or July of 1999 or 2000, Mr. Schubert (then not an employee of The Fund) contacted Mr. Rider by telephone to determine whether he would be available to travel to Phoenix, AZ, to participate in a press conference being hosted by the Animal Defense League of Arizona to discuss the abusive treatment of Ringling Bros. Elephants, prior to the arrival of the circus in Phoenix. Arrangements were made for Mr. Rider to fly into Phoenix's Sky Harbor Airport. Mr. Schubert picked up Mr. Rider at the airport, took him out to dinner, and dropped him off at a hotel. Mr. Schubert picked Mr. Rider up the next morning and drove him to the Phoenix Public Library where a room had been reserved for the press conference. After the press conference, Mr. Schubert and Mr. Rider went to several media outlets to provide information on Ringling Brothers. To the best of his knowledge, Mr. Schubert eventually took Mr. Rider to a small hotel near the airport/bus terminal from where Mr. Rider departed the following day. Mr. Schubert does not specifically recall the substance of what he and Mr. Rider discussed during this visit, but it may have generally related to Ringling Bros. mistreatment of their elephants; (2) on one other occasion in 2000 or 2001, Mr. Rider contacted Mr. Schubert to advise him that Mr. Rider would be in Phoenix for several hours. To the best of his recollection, Mr. Schubert picked up Mr. Rider from the Greyhound terminal near the Phoenix Sky Harbor Airport, took him back to his residence in Phoenix, and returned Mr. Rider to the bus terminal later that day. Mr. Schubert does not specifically recall the substance of

what he and Mr. Rider discussed during this visit, but it may have generally related to Ringling Bros. mistreatment of their elephants; (3) Mr. Schubert has also engaged in a handful (3-5) of phone calls with Mr. Rider from 1999 to the present regarding circus issues and Black Beauty Ranch.

Chris Byrne, then-Manager of The Fund for Animals' Black Beauty Ranch, visited Ringling Bros.' Center for Elephant Conservation ("CEC") sometime before 2002, and may have had conversations with Ringling Bros. employees. Mr. Byrne is now deceased and there is no record of the conversations he had at the CEC or which Ringling Bros. employees he spoke with during that visit.

Michael Markarian, President of The Fund for Animals, has had several conversations with Tom Rider regarding this litigation and regarding media interviews on circus issues.

Heidi Prescott, National Director of The Fund for Animals, spoke with Tom Rider in Harrisburg, Pennsylvania, at a rally protesting the circus on October 28, 2003.

Virginia Handley, California Coordinator of The Fund for Animals, is a member of the California Department of Fish and Game's Advisory Committee on Humane Care and Treatment of Wild Animals, along with Ringling Bros. employees Julie Strauss and Tom Albert. Meetings have been held on August 14, 2003, and May 5, 2004.

Interrogatory No. 17:

Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Objection and Answer to Interrogatory No. 17:

The Fund objects to this Interrogatory on the ground that the terms “positions,” “taken,” “held,” and “espoused” are vague and ambiguous, and on the grounds that the Interrogatory is unduly burdensome, overly broad, and calls for irrelevant information. Subject to and without waiving these or the general objections to these interrogatories, The Fund states that it has opposed the use of elephants in circuses since Cleveland Amory founded the organization in 1967, and it still holds this position. That position has been communicated to the public and to The Fund’s membership through various means over the years, including letters to the editor, public speeches, informational fact sheets, legislative testimony, The Fund’s web site (www.fund.org), direct mail, The Fund’s newsletters and annual reports, educational publications for use by teachers and children, interviews with the media, public demonstrations at circuses, educational tours at Black Beauty Ranch, and Cleveland Amory’s book Ranch of Dreams. The Fund refers defendants to documents produced by The Fund, as well as by plaintiffs collectively, in response to defendants’ document requests for additional specific information concerning when and through what means The Fund has communicated its position.

Interrogatory No. 18:

Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Objection and Response to Interrogatory No. 18:

The Fund objects to the Interrogatory on the grounds that the terms “position,” “taken,” “held,” or “espoused” are vague and ambiguous, and on the grounds that the

interrogatory is overly broad, and unduly burdensome. Subject to and without waiving these or the general objections to these interrogatories, The Fund states that it is opposed to the use of ankuses to train, handle, or care for elephants. To the extent The Fund's opposition to the use of ankuses has been communicated to its membership or others, either as a general matter or in particular instances, that information can be found in the documents provided by The Fund, and by the plaintiffs collectively, in response to defendants' document requests.

Interrogatory No. 19:

Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Brothers. and Barnum & Bailey Circus.

Objection and Response to Interrogatory No. 19:

The Fund objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, oppressive, seeks irrelevant information, and to the extent that it also seeks information that is protected by the attorney-client and work product privileges. The Fund cannot recall or itemize each communication it has had on this topic. Subject to and without waiving these or the general objections to these Interrogatories, The Fund provides the following response:

As members of the Captive Wild Animal Protection Coalition, staff members of The Fund for Animals (Michael Markarian, Heidi Prescott, Andi Bernat, and P.J. McKosky) have had discussions about the treatment of animals in circuses with other coalition participants including organizations and individuals such as the Animal Protection Institute, African Elephant Conservation Trust, American Society for the Prevention of Cruelty to Animals, Born Free Foundation, Detroit Zoological Institute,

Bosack & Kruger Foundation, Folsom Zoo/Sanctuary, Houston Society for the Prevention of Cruelty to Animals, Humane Society of the United States, International Fund for Animal Welfare, Kimya Institute, Marin Humane Society, Oakland Zoo, Performing Animal Welfare Society, People for the Ethical Treatment of Animals, Robert L. "Skip" Trimble, The Association of Sanctuaries, Inc., The Science & Conservation Center, and The Summerlee Foundation. Meetings were held in May 8, 2002, in Sacramento; August 19-20, 2002, in Washington; February 24-25, 2003, in Los Angeles; July 2003, in Washington; February 27-28, 2004, in San Francisco; and May 17, 2004, in Sacramento.

Michael Markarian, President of The Fund for Animals, has had discussions with members of Youth Opposed to Animal Acts (YOTAA) in Denver, including David Hatch, Ken Smith, and Tammie Lackey, regarding an upcoming city ballot measure (Initiative 100) in Denver to prohibit circuses from using animal acts.

Michael Markarian attended the Performing Animal Welfare Society (PAWS) "War on Wildlife" conference at the Ark 2000 sanctuary in San Andreas, California, on May 18-19, 2004, where he spoke with other participants about the treatment of animals in circuses.

Jeff Leitner of The Fund for Animals has had discussions with members of the Massachusetts Society for the Prevention of Cruelty to Animals and Massachusetts Action for Animals regarding a Massachusetts state bill to prohibit circuses from using animal acts. He attended a rally in Boston to support the bill on October 29, 2003.

Fund employees also periodically have communications with members of The Fund or other animal advocates regarding the use of elephants in circuses. The Fund

cannot recall each such communication. Some information regarding such communications may be found in the documents provided by The Fund in response to defendants' document requests.

In addition, Michael Markarian has had numerous conversations with the other organizational plaintiffs and their attorneys in this case concerning the litigation, most of which are protected by the attorney-client privilege.

Interrogatory No. 20:

Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Objection and Response to Interrogatory No. 20:

The Fund objects to this Interrogatory on the ground that it is vague and ambiguous. In particular, The Fund does not know what is meant by the term "positive things." Subject to and without waiving this objection or the general objections to these Interrogatories, The Fund states that it is not aware of any such communications.

Interrogatory No. 21:

Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Objection and Response to Interrogatory No. 21:

The Fund objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and highly oppressive. The term "each resource" is also vague and ambiguous. Subject to and without waiving this or the general objections to the interrogatories, The Fund provides the following information concerning resources expended advocating better treatment for animals in captivity:

The following funds were expended on printing, postage, and mail services for direct mailings to members of The Fund for Animals and potential supporters on topics such as circuses, canned hunts, and animals raised in captivity for their fur:

- 1997: \$393,209
- 1998: \$204,570
- 1999: \$441,213
- 2000: \$425,068
- 2001: \$764,572
- 2002: \$1,269,770
- 2003: \$1,096,580

The following funds were expended on printed literature for educational purposes, including fact sheets, brochures, and materials for teachers and children regarding circuses, canned hunts, and other issues related to captive animals:

- 1997: \$54,160
- 1998: \$170,932
- 1999: \$65,525
- 2000: \$125,711
- 2001: \$132,112
- 2002: \$128,712
- 2003: \$173,828

The following funds were expended on paid print and broadcast advertising to educate consumers on the issue of animals raised in captivity for fur production:

- 2001: \$150,410
- 2002: \$631,061
- 2003: \$606,525

The following funds were expended on media distribution services to educate the public on issues such as circuses, private ownership of exotic wildlife, captive animals raised for fur, and canned hunts:

U.S. Newswire:

- 2003: \$12,425
- 2004: \$1,975

P.R. Newswire:

- 2000: \$17,680
- 2001: \$23,690
- 2002: \$28,270
- 2003: \$26,805
- 2004: \$17,820

The following funds were expended to produce Public Service Announcements distributed to television stations nationwide on the issues of “canned hunts” of captive wildlife and the private ownership of exotic wildlife:

- 2001: Canned Hunts, \$40,000
- 2003: Exotic Animals, \$44,200

The following funds were expended on web site and online communications to educate people about animal cruelty issues such as circuses, canned hunts, exotic pets, and animals raised for their fur:

- 2001: \$22,660
- 2002: \$72,622.48
- 2003: \$106,433.58
- 2004: \$52,933.34

The Fund made a donation to the Captive Wild Animal Protection Coalition of \$2,000 in 2003.

Extensive staff time and other resources have also been expended annually on various items relating to advocating for animals in captivity, including:

- 2002-2003 - running the National Humane Essay Contest on the topic of circuses with animal acts.
- 2003-2004 – running the National Humane Essay Contest on the topic of exotic animals as “pets.”
- Writing reports, fact sheets, and press releases every year.
- Setting up canned hunt filing system.
- Setting up and updating canned hunt database.
- Sending letters to state wildlife agencies requesting canned hunting info.
- Writing letters opposing rodeos.
- Researching canned hunt laws and regulations.
- Writing letters to zoos about surplus animal policy.
- Attending Chronic Wasting Disease conference in Colorado where game farms were discussed.
- Testifying on Pennsylvania canned hunt regulations.
- Lobbying on Pennsylvania canned hunt bill.
- Attending Federal canned hunt bill committee mark-up.
- Protesting circus at Montgomery County Fair, Maryland, in 2002 and 2003.
- Employing a full-time lobbyist in California working on exotic animal bills and attending meetings of the California Fish and Game Commission and the Advisory Committee on Humane Care and Treatment of Wild Animals. Lobbyist has worked on the following state bills: (1997) SB 196, AB 716; (1998) AB 1635, AB 409, AB 716; (2000) SB 1462, SB 2149; (2001) F&G regs on deer farms;

(2002) AB 2574, AB 2847, SB 1210, SB 1306, SB 1851, F&G regs on exotics in captivity and deer farms; (2003) SB 732, AB 885, AB 395.

- Employing a full-time lobbyist in New York working on exotic animal bills, including bills to ban the trophy shooting of captive exotic mammals and to ban the private ownership of exotic wildlife. Lobbyist has worked on the following bills: (2003) S2735a and A4609a; (2004) A2684b, S905b, S6446a, A10188a.

The Fund's Director of Government and International Affairs has also expended time engaging in the following activities related to advocacy on behalf of animals in captivity:

2001:

1/11: Participated in conference call regarding circus lawsuits.

2/6: Attended monthly lobbyist meeting.

2/23: Attended Species Survival Network Strategy Meeting.

3/5: In Annapolis for meetings with state legislators regarding MD General Assembly bill to prohibit elephants in circuses in MD.

3/9: same as 3/5

3/12: same as 3/5

3/16: Testified on MD General Assembly bill to prohibit elephants in circuses in MD.

3/19: Participated in conference call regarding upcoming press conference on circus lawsuit.

3/22: Attended press conference on circus lawsuit at Nat'l Press Club.

4/26 through 4/28: Meetings with Dr. Willie Smits of Gibbon Foundation, Indonesia, and legislative staff on Capitol Hill. Also with staff of USFWS.

4/28 through 5/2: Attended conference in Boston on Great Apes.

6/5: Met with AZA staff re roadside zoos.

6/14 through 7/6: Uganda/Rwanda/UK trip: Meetings with heads of wildlife agencies, local NGOs, park rangers, ecotourism operations, UK-based animal protection organizations regarding various wildlife issues, including wildlife trade and animals in captivity. Field site visits in Uganda and Rwanda with national park staff and wildlife biologists regarding protected areas management, viability of endangered wildlife populations, and impacts of trade. Strategy sessions with Government Ministers regarding bilateral cooperation between Uganda and Rwanda on CITES positions, migratory routes of certain species, poaching, and illegal trade.

8/24: Attended Species Survival Network Strategy Meeting.

8/30: Met with Dr. Marc Ancrenaz of Kinabatangan Orangutan Conservation Project.

9/25: Several appointments on Capitol Hill with staff re CITES issues, including trade for captivity. Also attended reception at Indonesian Embassy.

10/3: Attended House Resources Committee hearing.

10/19: Attended Species Survival Network Strategy Meeting, met with Director of Conservation International re coordinated projects in Africa.

11/29 through 12/4: Attended Species Survival Network Annual Summit in Costa Rica.

12/13: Several meetings on Capitol Hill re canned hunt bill.

12/14: Species Survival Network Strategy Meeting.

2002:

1/30: Meeting with Senator Jeffords.

1/31: meeting with American Zoo and Aquarium Association.

2/14: Meeting with USFWS.

2/15: Species Survival Network Strategy Meeting.

2/20 through 2/24: Meetings in Chicago with U.S. based ecotourism companies, including their charitable foundations.

2/28 through 3/1: Trinational Conference on Wildlife Law Enforcement.

3/1: Meeting with Kevin Adams at USFWS.

4/6 through 4/13: CITES Animals Committee Meeting in Costa Rica.

4/17: USFWS Public Meeting on proposals for CITES CoP 12.

4/18: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).

4/25 Humane Awards dinner and ceremony.

4/26: Species Survival Network Meeting.

4/26 through 5/15: Tanzania and Netherlands trip. Lectured at Mweka College of African Wildlife Management, met with Tanzanian based animal protection NGOs, toured Trophy hunting concession with local Maasai tribal leaders, met with Tanzanian Minister of Tourism and Environment, accompanied Tanzanian National Parks staff on several wildlife recovery missions, attended strategy meetings at Greenpeace Amsterdam.

5/21: Strategy meeting with other lobbyists re CEAPA.

5/22: Meetings on Capitol Hill re CEAPA.

6/14 through 6/18: Black Beauty Ranch, Texas.

6/21: Species Survival Network Meeting.

6/28 through 7/3: Various speeches given at Animal Rights 2002 Conference.

7/11: Strategy Meeting at HSUS re CITES elephant proposals.

7/18: Meetings with Congressional candidates re animal issues at the federal level.

8/20: Briefing at USFWS re proposals and resolutions for CITES CoP 12.

8/23 Species Survival Network Strategy Meeting.

9/5: Meetings on Capitol Hill re CEAPA.

9/17: CITES oversight hearing in House Resources Committee.

9/20 Species Survival Network Meeting.

10/3: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).

10/18: Species Survival Network Meeting.

10/19: Meeting with WV state delegates re animal legislation in Charleston.

10/22: Species Survival Network Press Conference.

10/31 through 11/17: Attended CITES CoP 12 in Santiago Chile as non-governmental observer and lobbied for pro-animal initiatives.

12/3: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).

12/13: Meeting with AZA re roadside zoos and CEAPA.

2003:

1/14: Conference call re CEAPA.

3/6: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).

3/11: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA) various times during March 2003: Worked on article for Animal Free Press re elephants, including captive elephants.

3/10: Met with WV state legislators re various animal related legislation.

3/19-3/20: Smithsonian Conference, "Elephants and Ethics".

3/24: Conference call with USFWS.

4/3: Meeting with IFAW contract lobbyist.

4/7: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).

4/15: Meetings on Capitol Hill re Captive Exotic Animal Protection Act (CEAPA).

4/20 through 4/27: CITES Standing Committee, Geneva Switzerland.

5/5: Conference call with members of Pan African Sanctuary Alliance.

5/23: Conference call with members of Pan African Sanctuary Alliance.

5/25 through 6/16: Rwanda/Uganda/Kenya trip: Field work in various national parks, meetings with President Kagame's staff re restoration of migratory corridors, wildlife trade issues, and expansion of ecotourism, meetings with Uganda Wildlife Authority director and staff re wildlife export policies and protected areas management, meetings with President Kibaki's staff re Kenya's comprehensive wildlife policy strategy and elephant relocation plans. Spoke at Pan African Sanctuary Alliance annual meeting, Kenya Wildlife Service briefing and East African Wildlife Society dinner.

6/27 through 7/2: Gave various speeches at Animal Rights 2003 conference.

8/15 through 8/22: CITES Animals Committee Meeting, Geneva Switzerland.

9/12 Meeting with Dr. Sammy El Falaly, Director of CITES Management Authority for Egypt, in Cairo re wildlife trade and policies on confiscated animals, also Egyptian animal protection laws and live animal auctions.

9/24 Lectured at Shepherd College on wildlife related legislation and international wildlife law.

9/26: conference call on USFWS draft regs and proposed rule on ESA changes.

10/2: conference call on USFWS draft regs and proposed rule on ESA changes.

10/16 through 10/19 White Oak Plantation Wildlife facility, Jacksonville FL.

10/22: conference call on USFWS draft regs and proposed rule on ESA changes.

10/24 Speech at Women in Government Relations conference in D.C.

11/2: Speech at Animal Welfare Society Annual Dinner, Shepherdstown WV.

11/6: Meeting with Uganda President Yoweri Museveni in Washington DC.

11/9: Speech at Student Lobby Day training session, American University, Washington DC.

11/21: conference calls on USFWS draft regs and proposed rule on ESA changes.

12/3: speech at WV Democratic Association Annual Dinner.

12/18: Meeting with HSUS Investigations staff.

2004:

Various dates through January and February: conference calls on USFWS draft regs and proposed rule on ESA changes.

3/14 through 3/19: CITES Standing Committee Meeting, Geneva Switzerland.

3/23: Meeting w/WV State Delegate John Doyle and State Senators John Unger and Herb Snyder re animal related legislation.

4/16 through 4/23: Animal Transport Association Conference in Vienna Austria.

1997:

Numerous meetings, conference calls and Hill visits re CITES proposals dealing with transport of circus animals, captive breeding, etc.

June 1997: CITES Conference of the Parties 10 in Harare, Zimbabwe.

1998:

Countless meetings, Hill visits, and embassy visits re capture of wild elephant calves in Botswana and subsequent abuse of calves, and selling to various zoos. Ensuing Legal case in South Africa – worked extensively with South African NGOs lining up expert testimony, research and background information. Briefed CITES parties on developments in the case against the wildlife dealer, Riccardo Ghiazza

September: Speeches at Performing Animal Welfare Society Annual Meeting In Sacramento, CA.

In addition to the above-listed human resource and monetary resource expenditures, the documents produced by The Fund in response to defendants' document requests also demonstrate numerous resources The Fund has expended in advocating for the better treatment of animals in captivity, and The Fund refers defendants to those documents.

Interrogatory No. 22:

Identify each expenditure from 1997 to the present of “financial and other resources” made while “pursuing alternative sources of information about defendants’ actions and treatment of elephants” as alleged in the complaint.

Objection and Response to Interrogatory No. 22:

The Fund objects to this Interrogatory on the grounds that it is overly broad, and unduly burdensome. Subject to and without waiving these or the general objections, The

Fund states that its Director of Government and International Affairs spent approximately 10% of her time in 2000 gathering information on Ringling Bros. (approximately \$3,000), culminating in a decision to be a co-plaintiff in this law suit. The Fund also spent approximately \$4,000 between 2001 and 2003 pursuing a Freedom of Information Act case against the United States Department of Agriculture for documents related to defendants' treatment of their elephants. The Fund also spent approximately \$14,000 between 2002 and 2004 for reviewing the documents received in response to the Freedom of Information Act law suit, and compiling and disseminating a report based on those documents concerning the United States Department of Agriculture's failure to enforce the Animal Welfare Act against defendants. In addition, The Fund annually expends miscellaneous staff resources searching the news, the internet, and other sources for information related to defendants' treatment of their elephants.

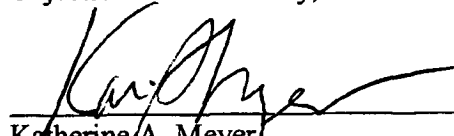
Interrogatory No. 23:

Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Objection and Response to Interrogatory No. 23:

The Fund objects to this Interrogatory on the ground that the plaintiffs have already provided this basic information with their initial disclosures, and to provide further details at this point would reveal the work product of their attorneys. Subject to and without waiving the foregoing or general objections to these Interrogatories, the Fund states that the subject and substance of the testimony that Tom Rider will provide is described in Mr. Rider's answers to the Interrogatories directed to him.

Objections submitted by,

A handwritten signature in black ink, appearing to read 'Katherine A. Meyer', is written over a horizontal line.

Katherine A. Meyer
(D.C. Bar No. 244301)
Kimberly D. Ockene
(D.C. Bar No. 461191)

Meyer & Glitzenstein
1601 Connecticut Ave., N.W.
Suite 700
Washington, D.C. 20009
(202) 588-5206

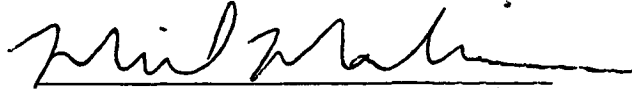
June 9, 2004

VERIFICATION

CITY OF SILVER SPRING)
)
)
STATE OF MARYLAND)

MICHAEL MARKARIAN, being duly sworn, says:

I am employed as the President of The Fund for Animals. The Fund for Animals is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff The Fund for Animals and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.



Michael Markarian

Sworn to before me this
4 day of June, 2004

Notary Public

My Commission Expires:

OPHER S. BENDAVID
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires: January 24, 2005


6/4/04

2. The Fund further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate any of the First Amendment rights of organizations or their members.

RESPONSES AND SPECIFIC OBJECTIONS

The Fund incorporates by reference its Definitions and General Objections with respect to each Interrogatory to which those definitions and objections apply, as though fully set forth therein, and no specific objection or response is intended or shall be construed to waive any of those objections. Subject to and without waiving those objections, The Fund supplements its answers to defendants' First Set of Interrogatories as follows:

Interrogatory No. 1: Identify each and every person you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.

Supplemental Response to Interrogatory No. 1:

Subject to and without waiving the general objections to this Interrogatory, The Fund supplements the answer to this Interrogatory by stating that plaintiffs also expect to rely on incidents recounted by Tom Rider in deposition testimony he provided on October 12, 2006, which is hereby incorporated by reference, as well as additional incidents that Mr. Rider recounts in his Supplemental Interrogatory Responses. The Fund will also rely on the testimony provided by Frank Hagan at his deposition on November 9, 2004, which is hereby incorporated by reference, and the deposition testimony provided by Gerald Ramos on January 24, 2007, which is also incorporated by reference. The Fund also incorporates by reference plaintiffs' initial disclosures from January 30, 2004, which lists additional fact witnesses that plaintiffs may ask to testify and includes a brief description of their expected testimony.

Subject to an agreement with defendants, The Fund is not yet required to identify any expert witnesses that it may call as a witness in the case.

Interrogatory No. 2: Identify each person within your organization who has any responsibility for, or authority over, your policy regarding the presentation of elephants in circuses.

Supplemental Response to Interrogatory No. 2:

As President of The Fund, Michael Markarian is the sole person with responsibility for or authority over The Fund's policy regarding the presentation of elephants in circuses, and has been since The Fund filed its most recent response to this Interrogatory.

Interrogatory No. 3: Identify each person within your organization who had any decision-making responsibility regarding whether to file this lawsuit.

Supplemental Response to Interrogatory No. 3:

The Fund has nothing to add to its original answer to this Interrogatory.

Interrogatory No. 4: Identify each of your employees or volunteers who has any training or experience in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience.

Supplemental Objections and Response to Interrogatory No. 4:

The Fund further objects to this Interrogatory on the grounds that the terms "experience" and "treatment" are vague and ambiguous. Subject to and without waiving this or any of The Fund's general objections, The Fund states that it has nothing to add to its original answer to this Interrogatory, and that it does not presently have any such employees or volunteers.

Interrogatory No. 5: Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

Supplemental Response to Interrogatory No. 5:

Subject to and without waiving its general and specific objections to this Interrogatory, The Fund supplements its answer by stating that additional incidents include, but are not limited to, the additional incidents that Mr. Rider included in his October 12, 2006 deposition testimony, as well as Tom Rider's supplemental response to Interrogatory No. 11 that was directed to him, all of which is hereby incorporated by reference.

Frank Hagan also witnessed the routine mistreatment of the elephants when he worked at Ringling Brothers, from March, 2000-July, 2004 and during 1993-2000. The Fund hereby incorporates by reference Mr. Hagan's video deposition testimony that was provided on November 9, 2004. Gerald Ramos also witnessed the mistreatment of elephants when he worked at Ringling Bros. in August 2006, and The Fund hereby incorporates by reference Mr. Ramos' video deposition testimony that was provided on January 24, 2007.

Robert Tom, Jr. also witnessed the mistreatment of the elephants while he was employed as an animal handler by Ringling Brothers on the Red Unit from the spring of 2004 until August 6, 2006. Mr. Tom witnessed Ringling Brothers employees striking the elephants with bull hooks behind their ears, on their legs, and on their trunks. While the Red Unit was in Tulsa, Oklahoma between May 25, 2006 and June 6, 2006, Mr. Tom witnessed Sasha Houcke striking an elephant using two bull hooks at once, including by striking the elephant behind the ear and on the back until the elephant was bleeding. Mr. Tom also witnessed Sasha Houcke and a handler named Antonio regularly use their bull hooks on the elephants. In addition, Mr. Tom witnessed the handler named Antonio repeatedly hit an elephant on the forehead with a bull hook while trying to draw blood from the elephant when the Red Unit was in Baltimore, Maryland during 2006. The

Fund hereby incorporates by reference all of the testimony included in Mr. Tom's Affidavit (API 6235-6240).

Archele Faye Hundley also witnessed the mistreatment of the elephants while she worked on the Red Unit from April of 2006 to June of 2006. While employed by Ringling Brothers she routinely witnessed elephants being struck with bull hooks. During a two week layover in Tulsa, Oklahoma between May 25, 2006 and June 6, 2006, Ms. Hundley witnessed Sasha Houcke repeatedly strike the elephant named Baby with a bull hook behind her ear and on the leg, and after hooking the elephant behind the ear, pulling with the weight of his entire body on the imbedded hook. The Fund hereby incorporates by reference all of the testimony included in Ms. Hundley's Affidavit (API 6241-6248).

The Fund also incorporates by reference documents that plaintiffs have received from defendants that are responsive, which include but are not limited to: FELD 002333, 0004309, FEI 15024, 15025-27, 16649, 16648, 16615-17, 170303, 17212, 17214, 17221, 17225, 17226, 17266, 17267, 17268, 17269, 17270, 17271, 17273, 17274, 17275, 18885, 21230, 21523, 29446, as well as documents plaintiffs have produced to defendants, which include but are not limited to: PL 09090, 09507, 09532, 09761-63, 09082, 09238-39, 09240-43.

Additional incidents in which Ringling employees harmed one or more of their elephants are recorded on videotapes that plaintiffs have produced to defendants in response to the defendants' document production requests. The Fund incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Brothers personnel striking elephants with bull hooks, brooms, whips, and other instruments, and keeping the elephants chained for long periods of time, as recorded on those videotapes, which include, but are not limited to: PL

07066, 07067, 07068, 07069, 07071, 07072, 07073, 07074, 07075, 07077, 07078, 07081, 07083, 07085, 07086, 070787, 07088, 07089, 07090, 07091, 08967, 08970, 08962, 08963, 08964, 08972, 08974, 08975, 08976, 08978, 08979, 08980, 08982, 09045, 09046, 09047, 09048, 09050, API 7166.

The Fund also incorporates by reference videotapes produced by defendants, including videotapes that relate to the births of Ricardo and Gunther, and various training scenes and performances, as well as the following videotapes, which include, but are not limited to: FELD-VID 001, 002, 006, 007, FEI 0001, 0005, 0006, 0007, 0010, 0011, 0013, 0014, 0016, 0017, 0018, 0019, 0020, 0024, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10353, 10355, 10356, 10358, 10359, 10360, 10362, 10364, 10365, 10366, 10367, 10368, 10383, 38227, 38228, 38229, 40955, 40956, 40957, 40958, 40959, 40963, 40964, 40965, 40966, 40968, 40969, 40970, 40972, 40973, 40974, 40975, 40976, 40980, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. In addition, The Fund incorporates by reference videotapes that representatives of plaintiffs have reviewed but that have not yet been produced by defendants, and which are also responsive to this request.

The Fund also incorporates by reference its supplemental responses provided herein to Interrogatories numbered 9, 13, and 15.

Interrogatory No. 6: Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have “taken” an elephant within the meaning of the Endangered Species Act.

Supplemental Response to Interrogatory No. 6:

Subject to and without waiving The Fund's previous objections to this Interrogatory, The Fund hereby incorporates by reference the same supplemental response that it made with respect to Interrogatory No. 5, including the references to The Fund's responses to Interrogatories Nos. 9, 13, and 15, which are also incorporated by reference.

Interrogatory No. 7: State the date on which you first became aware of defendants' alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

Supplemental Response to Interrogatory No. 7:

The Fund has nothing to add to its original answer to this Interrogatory.

Interrogatory No. 8: State the date on which you first became aware of defendants' alleged mistreatment of Kenny, and describe each incident in which you contend that Kenny was mistreated.

Supplemental Response to Interrogatory No. 8:

The Fund has nothing to add to its original answer to this Interrogatory.

Interrogatory No. 9: State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

Supplemental Response to Interrogatory No. 9:

Subject to and without waiving The Fund's previous objections to this Interrogatory, in addition to its original response to this Interrogatory, The Fund incorporates by reference Troy Metzler's deposition testimony concerning baby and juvenile elephants, which Mr. Metzler provided on July 25, 2006. The Fund also incorporates by reference documents produced by defendants to plaintiffs that are also responsive to this request, including, but not limited to, the

following: FEI 17212, 17214, 17218, 18885, as well as video footage produced by defendants, including, but not limited to: FELD-VID 001 006, 007; FEI 0017, 0018, 0019, 0020, 38229, 38228, 38227. The Fund also incorporates by reference documents plaintiffs have produced to defendants, which include but are not limited to: PL 09100-101, 09396-98.

Interrogatory No. 10: Describe each complaint or report that you, any of your employees or volunteers, or anyone speaking on your behalf has made to defendants directly about the way that defendants' elephants are or were treated.

Supplemental Response to Interrogatory No. 10:

The Fund has nothing to add to its original answer to this Interrogatory.

Interrogatory No. 11: State each and every U.S. jurisdiction in which you have or have had official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present. Describe the nature of the official duties, any complaints or reports you received about your enforcement of those statutes or ordinances, and the outcome or result of those complaints or reports.

Supplemental Response to Interrogatory No. 11:

The Fund has nothing to add to its original answer to this Interrogatory.

Interrogatory No. 12: Describe each inspection that you have conducted of defendants in the course of any official duties to enforce any statutes or ordinances, including but not limited to any animal welfare laws, from 1996 to the present, including the names of inspectors who conducted each inspection.

Supplemental Response to Interrogatory No. 12:

The Fund has nothing to add to its original answer to this Interrogatory.

Interrogatory No. 13: Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

Supplemental Response to Interrogatory No. 13:

Subject to and without waiving The Fund's previous objections to this Interrogatory, The Fund supplements its response to this Interrogatory by stating that it also relies on the deposition testimony provided by Mr. Rider on October 12, 1006. Frank Hagan also testified under oath that the elephants were chained every day that he worked there from at least 9:30 p.m. to 7:30 a.m., and the Fund incorporates by reference Mr. Hagan's deposition testimony that was provided on November 9, 2004. Gerald Ramos also testified that during the time he worked at Ringling Bros. the elephants were chained most of the time, and The Fund hereby incorporates by reference Mr. Ramos' January 24, 2007 deposition testimony on this point.

Archele Faye Hundley also witnessed that the elephants were only off their chains when the public was around and otherwise were kept on chains. Robert Tom, Jr. stated that when the elephants are being transported from one venue to another during three to four day trips the elephants are usually only allowed off the train once when the boxcars are being cleaned. Additionally, on the morning of January, 2005 in Jacksonville, Florida, Animal Protection Institute ("API") contractor Bradley Stookey witnessed chains being placed on the elephants right after the elephants walked from the train to the arena. API's Creative Director, Sharie Lesniak, later saw the elephants still chained in the tent. Because The Fund believes these practices are standard for Ringling Brothers, The Fund contends that all of the elephants currently in the Red, Blue, and Gold Units are chained this way after they walk from the train to the place of performance.

Additional evidence of defendants chaining of the elephants was produced by plaintiffs in response to defendants' document production requests, and The Fund hereby incorporates by reference the following documents, including, but not limited to: PL 5112, 5115, 08987, 08988,

08992, 09010, 09011, 09035, 09039, 09041, 09078-79, 09080-89, 9107-108, 09122-9124, 09135 09276-78. The Fund also incorporates by reference documents produced by defendants that evidence their chaining of the elephants, which include, but are not limited to: FEI 17030, 11332, 11286.

There are also incidents of chained elephants depicted in the videotapes that plaintiffs have produced to defendants in response to defendants' document production requests. This includes footage of elephants chained when being transported from one venue to another, footage of the elephants at various venues on the road chained in different parking lots, and other footage where the elephants are confined. The Fund incorporates by reference this video footage produced by plaintiffs, including, but not limited to: PL 07066, 07068, 07069, 07070, 07073, 07074, 07075, 07077, 07078, 07083, 07084, 08967, 08969, 08962, 08963, 08964, 08972, 08975, 08976, 08980, 08982, 09046, 09050. The Fund also incorporates by reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas issued in 2004, which depict the elephants chained for many hours.

Additionally, The Fund incorporates by reference video footage produced by defendants, including footage of the elephants named Baby, FEI 10362, 10368, 10358; Emma, FEI 40982, 40983, 40984, 40990; and Sally, FEI 0025, 0026, chained at the Center for Elephant Conservation. The Fund believes it is likely that all of defendants elephants at the Center for Elephant Conservation are similarly chained.

The Fund further relies on video footage produced by defendants including, but not limited to: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020,

0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369, 10383, 38227, 38228, 38229, 40957, 40958, 40960, 40965, 40966, 40968, 40970, 40971, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. The Fund also incorporates by reference footage that plaintiffs have reviewed that is responsive to this request, but that has not been produced by defendants.

Defendants also admit in their response to Interrogatory No. 13 that was directed to defendants, that the elephants are chained at night.

Interrogatory No. 14: Define “stereotypic behavior” as you use that term in the complaint and state the source of or basis for your definition.

Supplemental Response to Interrogatory No. 14:

The Fund has nothing to add to its original answer to this Interrogatory.

Interrogatory No. 15: Describe each incident in which you contend that one of defendants’ elephants has exhibited “stereotypic behavior,” including the name of the elephant allegedly involved.

Supplemental Response to Interrogatory No. 15:

Subject to and without waiving The Fund’s previous objections to this Interrogatory, The Fund provides the following supplemental answer to this Interrogatory:

The Fund incorporates by reference the deposition testimony of Tom Rider that was given on October 12, 2006. Mr. Hagan also witnessed the elephants engaging in stereotypic behavior when he worked at Ringling Brothers, and The Fund hereby incorporates by reference Mr. Hagan’s video deposition testimony that was provided on November 9, 2004.

Incidents of elephants exhibiting stereotypic behavior are also recorded on the videotapes that plaintiffs have produced to defendants in response to defendants' document production requests. This includes footage of elephants on the train, footage of the elephants at various venues and parking lots, and other footage where the elephants are exhibiting stereotypic behavior. The Fund incorporates by reference such video footage that is responsive to this request, including, but not limited to: PL 07066, 07068, 07069, 07070, 07073, 07074, 07075, 07077, 07078, 07083, 07084, 08967, 08969, 08962, 08963, 08964, 08972, 08975, 08976, 08980, 08982. The Fund also incorporates by reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas issued in 2004, which depict the elephants engaged in stereotypic behavior.

Additionally, The Fund incorporates by reference video footage produced by defendants that is responsive to this request, such as the footage of elephants at the Center for Elephant Conservation, including, but not limited to: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369, 10383, 38227, 38228, 38229, 40957, 40958, 40960, 40965, 40966, 40968, 40969, 40970, 40971, 40972, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. The Fund also incorporates by reference footage that plaintiffs' representatives have reviewed that is responsive to this request, but that has not been produced by defendants. The Fund also incorporates by reference its supplemental response to Interrogatory No. 5 above.

Interrogatory No. 16: Describe every communication that you, any of your employees or volunteers, or any person acting on your behalf or at your behest has had with any current or former employee of defendants since 1996.

Supplemental Objections and Response to Interrogatory No. 16:

The Fund further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome, and to the extent that it calls for information that is irrelevant or protected by the attorney-client or work product privileges. The Fund also objects to this interrogatory to the extent that it calls for the disclosure of conversations with former employees of defendants regarding various legislative or media strategies for halting the abuse and mistreatment of circus elephants and educating the public about this issue. Additional details of such conversations are irrelevant and their disclosure would impose an undue burden on The Fund and infringe upon the Fund and the former employees' First Amendment rights of association and expression. Subject to and without waiving these or The Fund's previous objections, The Fund supplements its answer to this Interrogatory by stating that, in addition to the communications discussed in The Fund's original Interrogatory responses, former Fund employee D.J. Schubert also had a single telephone conversation with Tom Rider concerning a possible job at the Fund's animal sanctuary, Black Beauty Ranch. Mr. Schubert does not recall exactly when this conversation took place, but he believes it was in 2003. He told Mr. Rider there was an opening at the ranch and that someone with Mr. Rider's experience would be a good fit. Mr. Rider declined the job offer on the grounds that he needs to continue to stay on the road to tell people about what goes on at the circus. Mr. Schubert further recalls that he suggested that maybe Mr. Rider could work at Black Beauty on a part time basis, but that Mr. Rider declined that suggestion as well and said that he is more interested in continuing his public education efforts throughout the country. That is all Mr.

Schubert recalls about this conversation. In addition, as regards former Fund employee Heidi Prescott's communication with Tom Rider, The Fund states that Ms. Prescott was lobbying in Harrisburg, Pennsylvania on an unrelated matter and met Mr. Rider as one of a group attending a press conference of local animal welfare activists concerning some proposed legislation. She does not remember what the legislation was about but thinks it could have been about bull hooks or the circus. She went to the press conference because she was in the same building lobbying on another manner and wanted to meet the people holding the press conference. She ran into Mr. Rider as part of a group at the press conference and she just said hi to everyone, including him. She only talked with him for a few seconds – she said hello and thanked him for the work he does on behalf of animals. She thinks the event may have been in the cafeteria of the State Legislative Building, and she vaguely recalls holding a big cup of coffee as she said her hellos to the activists there. That is all that she recalls about this conversation

Interrogatory No. 17: Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Supplemental Response to Interrogatory No. 17:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that it has not changed its positions as stated in its prior Interrogatory responses, and that the manner in which it has communicated any such positions is reflected in supplemental documents that it is providing to defendants.

Interrogatory No. 18: Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Supplemental Response to Interrogatory No. 18:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that it has not changed its positions as stated in its prior Interrogatory responses, and that the manner in which it has communicated any such positions is reflected in supplemental documents that it has provided to defendants.

Interrogatory No. 19: Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

Objection and Response to Interrogatory No. 19:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that representatives of The Fund have had conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, and the status of the litigation, all of which are protected by the attorney-client and attorney work product privileges. The Fund has also had conversations with the other plaintiffs about their legislative and media strategies for halting the abuse and mistreatment of circus elephants and educating the public about this issue. Additional details of such conversations are irrelevant and their disclosure would impose an undue burden on The Fund and infringe upon The Fund and the other plaintiffs' First Amendment rights of association and expression. With respect to "animal advocates" or

"animal advocacy organizations" other than plaintiffs, any such communications by the Fund are reflected in supplemental documents that it has provided to defendants.

Interrogatory No. 20: Describe each communication in which any person, other than defendants or their employees, has expressed support for or otherwise said positive things about defendants' treatment of their elephants.

Objection and Response to Interrogatory No. 20:

The Fund has nothing to add to its original answer to this Interrogatory

Interrogatory No. 21: Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Objection and Response to Interrogatory No. 21:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that since its most recent response to this Interrogatory, the Fund has expended approximately \$88,378.68 advocating better treatment for animals held in captivity, including animals used for entertainment purposes, through its website and other online communications, which are included in supplemental documents that The Fund is providing to defendants. This amount was expended on consulting and hosting fees incurred in creating and maintaining the Fund's website.

Interrogatory No. 22: Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Supplemental Response to Interrogatory No. 22:

Subject to and without waiving its previous objections to this Interrogatory, the Fund states that since its original response to this Interrogatory The Fund has spent approximately

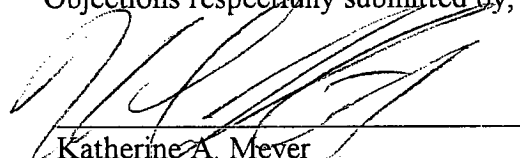
\$12,000 pursuing information from the United States Department of Agriculture concerning defendants' actions and treatment of elephants.

Interrogatory No. 23: Describe the subject and substance of the testimony that would be given by each person identified in the initial disclosures.

Supplemental Response to Interrogatory No. 23:

Subject to and without waiving its previous objections, The Fund additionally states that the subject and substance of the testimony that Tom Rider will provide is further described in Mr. Rider's deposition testimony that was given on October 12, 2006, which The Fund hereby incorporates by reference. In addition, the substance and subject of the testimony of Miyun Park was provided by deposition on January 5, 2005; the substance and subject of the testimony of Betsy Swart was provided by deposition on March 18, 2005; and the substance and subject of the testimony of Angela D. Martin was provided by deposition on March 9, 2005, all of which The Fund hereby incorporates by reference.

Objections respectfully submitted by,



Katherine A. Meyer
(D.C. Bar No. 244301)
Tanya M. Sanerib
(D.C. Bar No. 473506)
Howard M. Crystal
(D.C. Bar No. 446189)

Meyer Glitzenstein & Crystal
1601 Connecticut Ave., N.W., Suite 700
Washington, D.C. 20009
(202) 588-5206


Dated: January 31, 2007

VERIFICATION

I, MICHAEL MARKARIAN, declare as follows:

I am employed as the President of The Fund for Animals. The Fund for Animals is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' Interrogatories to Plaintiff The Fund for Animals and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

 1/31/0

Michael Markarian

Interrogatory No. 5: Describe every incident in which you contend that one or more of defendant's employees harmed one of defendant's elephants.

Supplemental Response to Interrogatory No. 5:

The Fund supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

The Fund incorporates by reference the following documents that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory: FELD 4723, 4756-4767, 10386, 22556, 22577, 22578, 22584, 22645, 22990-23106, 23212-23213, 23386, 23400, 24228-24231, 25607, 27807-27810, 27819, 27825, 27826-27831, 27834, 28133-28136, 28373-28385, 28391-28392, 28607-28619, 28620-28625, 28674-28377, 28705-28716, 28742-28743;

FEI 549, 629-630, 635, 719-727, 744, 1435, 1544, 1559, 1564, 1572-1575, 1576-1579, 1590-1594, 1790, 2356, 2358, 2359-2362, 2439-2452, 2453-2472, 2707, 7465, 8366-8367, 10889, 10893, 11446-11447, 11448, 11466-11467, 12200, 12378, 12466, 12478, 12495, 12495, 13163-13173, 13174, 13177, 13180, 13585, 13597, 13601, 13709-13713, 13714-13720, 13731, 13732, 13735, 13839, 14436, 15010, 15024, 15024, 15025-15027, 15262, 15275, 15288-15297, 15395-15397, 16516, 16521-16522, 16542, 16593-16599, 16600-16603, 16609, 16614-16618, 16624, 16646-16648, 16918, 17104, 17107-17115, 17121-17122, 17174, 17207, 17208, 17209-17221, 17225-17228, 17233-17236, 17238-17244, 17266-17275, 17303-17305, 17307-17308, 17328, 18002-18005, 18040-18041, 18047, 18523, 18876-18882, 18885-18886, 19407, 19449-19450, 21230, 21240-21241, 21244-21248, 21252, 21269, 21409-21419, 21625,

21696-21698, 21763, 21919, 21920-21922, 22430, 22453, 22640, 22645, 22662, 22670-22672, 22684, 22684, 22700, 22856, 22928-22940, 22981-22997, 23081, 25313, 25340, 25535, 25831, 25845, 25946, 25953, 28383-28385, 29446, 29627, 29642, 31014-31015, 31338-31342, 31339-31341, 31375, 31375-31376, 31380, 31380-31381, 31546-31547, 31680-31681, 32361, 32492-32494, 32590, 32633-32634, 33071, 33114-33115, 33452-33453, 33479, 33503, 33809-33810, 36351, 36506, 37529, 37530, 37534, 37543, 37546, 37547, 37553-37558, 37563, 37628, 37669, 37991, 38035-38037, 38041, 38120-38122, 38123-38124, 38125, 38125, 38126, 38133-38134, 38155, 38156, 38157, 38184, 38185, 38186, 38234, 38277, 38280, 38285, 38291, 38291, 38297, 38323, 38332, 38509, 38739-38741, 38807, 38841, 38929, 39506, 39513-39514, 39515, 39516, 39557-39558, 39560, 39623-39628, 39952, 39952, 40016, 40016-40017, 40071, 40072, 41149, 41150, 41151, 41152, 41247, 41401, 41513, 42148, 42696, 43881, 44087, 44363, 44373-44374, 44410-44414, 44417-44419, 44460-44461, 44466-44471, 44479, 44482-44483, 44485, 44493, 44612, 44916-44917, 45120, 45181, 45182-45185;

PL 1351-1352, 1359-1360, 1404, 1405-1406, 1456-1461, 1796, 1803, 2135, 4155-4159, 4166-4219, 4220-4276, 4277-4330, 4336, 4347, 4348-4352, 4353-4356, 4359-4361, 4364-4365, 4382-4397, 4402-4403, 4404-4405, 4407-4418, 4446-4448, 4454-4455, 4458-4464, 4481-4483, 4492-4496, 4499-4500, 4504, 4507-4543, 4556-4557, 4573-4574, 4578, 4579, 4582, 4608-4610, 4644-4645, 4649-4677, 4682-4687, 4689-4694, 4706, 4713-4714, 4717-4718, 4719-4720, 4721-4728, 4730-4731, 4745-4746, 4755-4767, 5118, 5816, 5817, 7227, 7666-7686, 8317, 8318, 8318-8325, 8320-8325, 8329-8354, 8329-8361, 8356-8361, 8397, 8707, 8708, 8740-8741, 8775-8796, 8883-8916, 8987, 8988, 8992, 8993, 9010, 9011, 9032-9041, 9045-9077, 9082-9089, 9090, 9126, 9162, 9164, 9173-9174, 9177-9181, 9200-9202, 9209-9211, 9236-9237, 9240-9245,

9281-9287, 9294-9310, 9315-9319, 9325-9337, 9513-9519, 9522-9528, 9532, 9551-9579, 9591-9595, 9761-9763, 9764-9777, 9782-9784, 9855, 9886, 9985-9989, 9992-10001, 10021-10024, 10027-10030, 10032-10037, 10038-10054, 10063, 10065-10084, 10098-10099, 10103-10108, 10483-10484, 10489-10491, 10952-10953, 10963-10964, 10977-10978, 10983-10985, 10993, 10998-10999, 11005, 11017-11018, 11784, 11840-11841, 11844-11845, 11923-11924;

F 818, 891, 3095 – 3102, 3267 – 3278, 3282 – 3284, 4012;

A 797, 1119 – 1123, 1124, 1156–1162, 1163–1166, 1167–1174, 1175–1183, 1184–1188, 1189-1191;AWI 152–163, 456–467, 569–571, 1659, 1682, 1797–1803, 2083–2084, 2099–2100, 2149–2167, 5901, 5902, 5909, 5910, 5911, 5933, 5957, 5970, 5986, 5991, 5997, 6001, 6015, 6625, 6639, 6641–6642, 6679, 8699–8704, 9901;

API 4467 – 4469, 6100, 6124; and

TR 184, 175–177, 179-180.

The Fund notes, however, that plaintiffs' expert witnesses are still in the process of reviewing evidence produced by defendant during discovery, including the medical records for the elephants. The Fund understands that any records upon which its experts may rely will be identified in their expert reports.

Additional incidents in which Ringling employees harmed one or more of their elephants are recorded on videotapes that plaintiffs have produced to defendant in response to the defendant's' document production requests. The Fund incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Brothers personnel striking elephants with bull hooks, brooms, whips, and other instruments, and keeping the elephants chained for long periods of time, as evidenced by those videotapes, which are the following: PL

7066, 7067, 7069, 7070, 7071, 7072, 7073, 7074, 7075, 7078, 7083, 7084, 7085, 8962, 8963, 8967, 8969, 8974, 8978, 8979, 8980, 8982, 9045, 10937, "USDA Inspection of Premises Where Benjamin Died, August 2, 1999;" TR 201; and API 7166.

The Fund also incorporates by reference videotapes produced by defendant, including the births of Riccardo and Gunther and various training scenes and performances, as well as the following videotapes: FELD-VID 001, 002, 006, 007, FEI 0001, 0005, 0006, 0007, 0010, 0011, 0013, 0014, 0016, 0017, 0018, 0019, 0020, 0024, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10353, 10355, 10356, 10358, 10359, 10360, 10362, 10364, 10365, 10366, 10367, 10368, 10383, 38227, 38228, 38229, 40955, 40956, 40957, 40958, 40959, 40963, 40964, 40965, 40966, 40968, 40969, 40970, 40972, 40973, 40974, 40975, 40976, 40980, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. Additional information responsive to this Interrogatory is contained in footage that plaintiffs have reviewed and requested from defendant, but that has not yet been produced by defendant. Once plaintiffs obtain that footage, they will supplement this Response accordingly.

The Fund also incorporates by reference the supplemental responses provided below to Interrogatories numbered 9, 13, and 15.

Interrogatory No. 6: Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

Supplemental Response to Interrogatory No. 6:

The Fund hereby incorporates by reference the same supplemental and amended responses that it made above with respect to Interrogatory No. 5, including the references to The

Fund's supplemental responses to Interrogatories Nos. 9, 13, and 15, which are also incorporated by reference.

Interrogatory No. 9: State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

Supplemental Response to Interrogatory No. 9:

The Fund supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

The Fund incorporates by reference the following documents produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this request: FELD 2196-2197, 4967-4968, 4969-4970, 4971-4972, 4973-4974, 19902-19906, 20081, 23326-23332, 23326-23338, 25607-25610, 25611-25616, 25617-25622, 25632-25634, 25638-25639, 25644-25645, 25646-25647, 25652-25663, 25664-25666, 25675-25686, 29203-29204, 29205-29209, 29248-29249;

FEI 816-820, 821-841, 842, 843-844, 845-846, 847-848, 849-860, 863-864, 15032, 17208-17220, 17227, 17228, 17233-17244, 18885-18886, 25963, 38288-38290, 38292, 38323-38324, 39517-39518, 39519-39523, 43887-43888;

PL 3872-3924, 3925-3936, 3937-3938, 3941, 3944, 4005-4024, 4025-4026, 4027-4028, 4067, 4102, 4104-4108, 4132-4138, 4142, 4143, 4144, 4145, 4147, 5118, 9396 – 9402, 9339-9347;

F 1561-1562, 1569-1570, 1573-1574, 1576, 1577, 3279-3280;

AWI 1473-1479, 2089-2090, 2091-2092, 2093-2094, 2101-2117; and
API 4394.

The Fund notes, however, that plaintiffs' expert witnesses are still in the process of reviewing evidence produced during discovery, including the medical records for the elephants. The Fund understands that any records upon which its experts may rely will be identified in their expert reports.

The Fund also incorporates by reference the following video footage produced by defendant: FELD-VID 001 006, 007; FEI 0017, 0018, 0019, 0020, 38229, 38228, 38227; and the following video produced by plaintiffs: PL 8974.

Interrogatory No. 13: Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

Supplemental Response to Interrogatory No. 13:

The Fund supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

Additional evidence of defendant's chaining of the elephants has been produced by both plaintiffs and defendant in this case, and The Fund hereby incorporates by reference the following such documents: FELD 4606, 4613, 4766, 4767, 22990-23106, 23703-23705; FEI 1576-1577, 7547, 7549, 8366, 8367, 11286, 11292, 11293, 11295, 11307, 11332, 12381, 13077, 13086-13096, 17030-17032, 17121-17122, 17190, 17229, 17230, 17241, 18392-18393, 21697, 22565-22567, 22576, 22645, 22670, 22671, 22672, 22699, 22700, 31244-31245, 31348, 31467, 31471, 31472, 31632, 31633, 31636, 31640, 31641, 31782, 32441, 32502, 32506, 32507,

32513, 36493, 36503, 36504, 36506, 36713-36722, 36723, 36878, 37453, 37455-37457, 37459-37466, 37529, 37530, 37533, 37534, 37543, 37546, 37547, 37553-37558, 37563-37565, 38750-38751;

PL 1801, 2081-2083, 4348-4352, 4364-4365, 4446-4448, 4458-4464, 4608-4610, 5112-5114, 5115-5117, 5118, 7170, 7879, 8317, 8881-8882, 8987, 8988, 8992, 9010, 9011, 9034, 9035, 9039, 9040, 9041, 9078, 9082-9089, 9135, 9158, 10977-10978, 11017-11018, 11895-11897, 11898-11900;

A 820 – 821;

AWI 5901, 5902, 5909-5911, 5932, 5933, 6643-6645, 6661-6668, 6659, 6673, 6687, 6689; and

API 4483, 4492.

The Fund notes, however, that plaintiffs' expert witnesses are still in the process of reviewing evidence produced during discovery, including the medical records for the elephants. The Fund understands that any records upon which its experts may rely will be identified in their expert reports.

There are also incidents of chained elephants depicted in the videotapes that plaintiffs have produced to defendant in response to defendant's document requests. This footage includes footage of elephants chained when being transported from one venue to another, footage of the elephants at various venues on the road chained in different parking lots, and other footage where the elephants are confined. The Fund incorporates by reference this video footage produced by plaintiffs, as follows: PL 7066, 7067, 7069, 7074, 7078, 7079, 7084, 8962, 8963, 8964, 8967, 8969, 8972, 8974, 8975, 8978, 8980, 9046, 9050; TR 201. The Fund also incorporates by

reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas in 2004, which depicts the elephants chained for numerous hours.

Additionally, The Fund incorporates by reference video footage produced by defendant, including footage of the elephants named Baby, FEI 10362, 10368, 10358; Emma, FEI 40982, 40983, 40984, 40990; and Sally, FEI 0025, 0026, chained at the Center for Elephant Conservation. The Fund contends that all of defendant's elephants at the Center for Elephant Conservation are similarly chained.

The Fund further relies on the following video footage produced by defendant in response to this interrogatory: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369, 10383, 38227, 38228, 38229, 40957, 40958, 40960, 40965, 40966, 40968, 40970, 40971, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. Additional information responsive to this Interrogatory is contained in footage that plaintiffs have reviewed and requested from defendant, but that has not yet been produced by defendant. Once plaintiffs obtain that footage, they will supplement this Response accordingly.

Interrogatory No. 15: Describe each incident in which you contend that one of defendants' elephants has exhibited "stereotypic behavior," including the name of the elephant allegedly involved.

Supplemental Response to Interrogatory No. 15:

The Fund supplements and amends its prior responses to this Interrogatory by providing the following amended lists of documents incorporated by reference. The remaining portions of the prior responses remain unaltered.

The following documents produced by defendant and plaintiffs in this case contain information responsive to this Interrogatory: FELD 4718–4719, 4721–4723; FEI 32443–32444, 39041, 44089; PL 4743–4744, 4755–4765, 5118, 8397; F 877, 910, 4068–4069; AWI 6643 – 6645, 6687, 6689.

Incidents of elephants exhibiting stereotypic behavior are also recorded on the videotapes that plaintiffs have produced to defendant in response to defendant's document requests. This footage includes footage of elephants on the train, footage of the elephants at various venues and parking lots, and other footage where the elephants are exhibiting stereotypic behavior. The Fund incorporates by reference the following such video footage that is responsive to this Interrogatory: PL 7066, 7069, 7074, 7078, 7083, 8962, 8963, 8964, 8967, 8969, 8972, 8979, 8980, 9046, 9050; TR 201. The Fund also incorporates by reference the footage obtained from Madison Square Garden in New York City and the footage obtained from the MCI Center in Washington, D.C. pursuant to third party subpoenas in 2004, which depicts the elephants engaged in stereotypic behavior.

Additionally, The Fund incorporates by reference the following video footage produced by defendant that is responsive to this Interrogatory: FELD-VID 001, 002, 006, 007; FEI 0010, 0013, 0016, 0017, 0018, 0019, 0020, 0025, 0026, 0436, 0437, 10350, 10351, 10352, 10354, 10355, 10357, 10358, 10359, 10360, 10361, 10362, 10364, 10365, 10366, 10367, 10368, 10369,

10383, 38227, 38228, 38229, 40957, 40958, 40960, 40965, 40966, 40968, 40969, 40970, 40971, 40972, 40974, 40975, 40982, 40983, 40984, 40985, 40986, 40987, 40989, 40990. Additional information responsive to his Interrogatory is contained in footage that plaintiffs have reviewed and requested from defendant, but that has not yet been produced by defendant. Once plaintiffs obtain that footage, they will supplement this Response accordingly.

Interrogatory No. 19: Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

Supplemental Response to Interrogatory No. 19:

The Fund supplements and amends its original response to this Interrogatory by providing the following supplemental information. The remaining portions of the original response remain unaltered.

The Fund has continued to have conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, and the status of the litigation, all of which are protected by the attorney-client and attorney work product privileges.

Interrogatory No. 21: Identify each resource you have expended from 1997 to the present in “advocating better treatment for animals held in captivity, including animals used for entertainment purposes” as alleged in the complaint, including the amount and purpose of each expenditure.

Supplemental Response to Interrogatory No. 21:

In accordance with the Court’s August 23, 2007 Order, The Fund supplements and amends its prior responses to this Interrogatory by providing the following information concerning funding for media and public education efforts with respect to the treatment of elephants in the circus. The Fund did not originally view this information as responsive to this

Interrogatory because the Fund believed the Interrogatory's reference to "resource you have expended from 1997 to the present in 'advocating better treatment for animals held in captivity, including animals used for entertainment purposes'" referred only to funds expended by the Fund's own staff to advocate for elephants, as opposed to grants to other activists or non-profits. The Fund makes donations to a number of individuals and non-profits each year, and does not consider advocacy undertaken by grantees to be Fund advocacy. The Fund is nonetheless providing the information in compliance with the Court's Order, and because defendant has stated that it views this information as responsive to this Interrogatory. The remaining portions of The Fund's prior responses to this Interrogatory remain unaltered.

The Fund has provided funds to Mr. Rider on the following two occasions: July 21, 2004, in the amount of \$500.00, and July 22, 2004, also in the amount of \$500.00. These funds are reflected in documents being produced by The Fund, F 4483-4486. As reflected in the documents and described in Mr. Michael Markarian's deposition, these funds were to cover the cost of repairing Mr. Rider's van, so that he could drive from California to Denver, Colorado for a press conference concerning proposed legislation regarding elephants in circuses.

The Fund has also made contributions to the Wildlife Advocacy Project for that organization's advocacy and public education work on the issue of the treatment of elephants held in captivity. Although The Fund makes these contributions with the understanding that WAP may use the money however it chooses in conjunction with its advocacy and public education work concerning elephants in captivity, The Fund is aware that the contributions have been used by WAP to support Mr. Rider's important public education and media efforts

concerning the treatment of elephants in the circus. The following documents reflecting these contributions are hereby incorporated by reference: F 4487-4492.

On several occasions in 2001, 2002 and 2003, The Fund also provided some funds indirectly to Mr. Rider through reimbursements to the law firm Meyer & Glitzenstein. Those funds were transferred to Mr. Rider by Meyer & Glitzenstein, and billed to The Fund as a cost for media work.¹

The amount of funds that The Fund contributed to Mr. Rider's public education work in this fashion – including the fees for the wire transfers – amounts to approximately \$4,433.00, and is reflected in Meyer & Glitzenstein invoices being produced by The Fund, see F 4493-4516. Some of these invoices are addressed to the American Society for the Prevention of Cruelty to Animals, because, at the time, the Meyer & Glitzenstein billing system created one detailed bill for all three plaintiff organizations addressed to the ASPCA (as the lead plaintiff), and each individual group received a cover sheet specifying the amount that group was being billed, as well as any specific expenses charged only to that group. The phrase "Shared Expense" in an invoice, see, e.g., F 4499, means that the expense was shared equally among the groups. The phrase "special expense" in an invoice, see, e.g., F 4493, means that the specified expenses were billed only to the client to whom the invoice is addressed. Similarly, due to a change in the

¹Mr. Markarian was asked at his June 2005 deposition whether "the fund ever paid Mr. Rider any money." Transcript of June 22, 2005 Deposition of Michael Markarian at 157. Mr. Markarian identified the \$1000 in direct payments made to Rider mentioned above, see Transcript of June 22, 2005 Deposition of Michael Markarian at 157-159, but did not identify these other funds at that time because they were itemized as reimbursements for expenses paid within a legal invoice, rather than direct payments from the Fund to Mr. Rider, and thus Mr. Markarian did not focus on them in response to the question at the deposition.

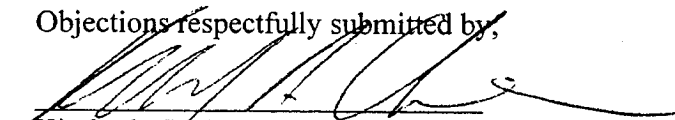
invoicing system, the phrase "Additional Charges from Primary Client" in the April 11, 2003 invoice, F 4511, means that that particular item was shared among the clients. In that same invoice, F 4511, the phrase "Additional Charges" means that only The Fund was charged for that item.

Interrogatory No. 22: Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

Supplemental Response to Interrogatory No. 22:

Subject to and without waiving their previous objections to this Interrogatory, The Fund states that, to date, it has spent approximately \$12,870.70 on legal fees and costs pursuing information from the United States Department of Agriculture concerning defendant's actions and treatment of elephants.

Objections respectfully submitted by,



Kimberly D. Ockene
(D.C. Bar No. 461191)
Katherine A. Meyer
(D.C. Bar No. 244301)
Tanya M. Sanerib
(D.C. Bar No. 473506)
Howard M. Crystal
(D.C. Bar No. 446189)

Meyer Glitzenstein & Crystal
1601 Connecticut Ave., N.W., Suite 700
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(202) 588-5206

Dated: September 24, 2007

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS, et al.,

Plaintiffs,

v.

RINGLING BROS. AND BARNUM
& BAILEY CIRCUS, et al.,

Defendants.

Civ. No. 03-2006 (EGS/JMF)


VERIFICATION

I, MICHAEL MARKARIAN, declare as follows:

1. I am employed as the President of the Fund for Animals ("The Fund"). The Fund is a plaintiff in this case.

2. I have read the foregoing supplemental objections and responses to defendant's Interrogatories and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

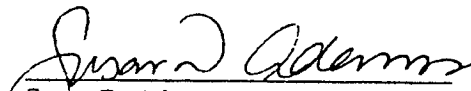
Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

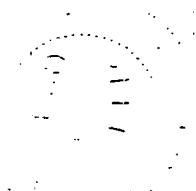

Michael Markarian

Dated: September 24, 2007

State of Maryland
County of Montgomery

Subscribed and sworn to before me this 24th day of September 2007.


Susan D. Adams
Notary Public



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u> ,)	
)	
Plaintiffs,)	Civ. No. 03-2006 (EGS)
)	
v.)	
)	
RINGLING BROS. AND BARNUM & BAILEY CIRCUS, <u>et al.</u> ,)	
)	
Defendants.)	

**PLAINTIFF THE FUND FOR ANIMALS' FOURTH SUPPLEMENTAL RESPONSES
TO DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33, plaintiff The Fund for Animals ("The Fund") hereby provides the following supplemental responses to Defendants' First Set of Interrogatories. The Fund hereby incorporates by reference both the general and specific objections that it has previously made to Defendants' First Set of Interrogatories and definitions.

SUPPLEMENTAL RESPONSES

Interrogatory No. 1: Identify each and every person you expect to call as a witness in this case, and state the subject and substance of the person's expected testimony, including all details of which you are aware.

Supplemental Response to Interrogatory No. 1:

Subject to and without waiving The Fund's previous objections to this Interrogatory, and pursuant to the Court's December 18, 2007 Order concerning the exchange of witness lists, The Fund states that, in addition to those individuals whose names have previously been provided to defendant in plaintiffs' initial disclosures, as well as in subsequent correspondence, the following

individuals may have discoverable information concerning the subject matter of this lawsuit: Jim Andacht.

Interrogatory No. 5: Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

Supplemental Response to Interrogatory No. 5:

Subject to and without waiving its previous objections to this Interrogatory, ASPCA states that Margaret Tom recently testified at her deposition that during the approximately two years during which she worked for the Ringling Brothers' Circus, she regularly observed Ringling Brothers employees hitting elephants with bullhooks, and also witnessed Ringling Brothers employees beat an elephant named Asia with bullhooks. Mrs. Tom's deposition testimony is incorporated by reference herein. Robert Tom also recently testified at his deposition that he observed Ringling Brothers employees regularly sinking the hooked end of the bullhook into the elephants' skin, and also hitting the elephants with the bullhook like a baseball bat. Mr. Tom also described one particularly violent beating of an elephant in Tulsa, Oklahoma. Mr. Tom also testified that the elephants were chained for long periods of time. Mr. Tom's testimony is incorporated herein by reference.

Additionally, Archele Hundley testified at her deposition that she routinely witnessed the mistreatment of the elephants when she worked at Ringling Brothers, including aggressive use of the bullhook and frequent chaining of the elephants. Ms. Hundley further testified that during a three-day train run from Worcester, Massachusetts to Tulsa, Oklahoma the elephants were not let off the train for exercise until they arrived just outside of Tulsa. Ms. Hundley's testimony is incorporated herein by reference.

The Fund also supplements its prior responses to this Interrogatory with the following lists of documents and video footage incorporated by reference. These are documents and footage that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

Documents: FEI 1814, 1823, 1900, 1914, 2230, 2284, 2285-2286, 2689-2692, 3135, 3154-3155, 3166-3172; PL 958-959, 964-966, 977, 1762, 2152-2153, 2162, 5700-5703, 5717-5720, 5816-5817, 6204-6210, 9131-9132, 9240-9245, 9276-9278, 9855, 9886, 10998-10999, 11146-11153, 11716-11724, 12553-12554, 12591-12592, 12591-12592, 12593, 12607, 12608, 12609-12611, 13618-13619, 13621-13622, 13735-13736, 13758-13765, 14244-14245, 14659-14660, 14899-14900, 14919, 15163, 15166, 15268, 15273, 15275, 15285, 15309, 15322, 15391, 15422-15425; A 1115-1116, 1126-1129; AWI 2777-2796, 6685;

Video footage: FEI 45189, 45190, 45191, 45192, 45193, 45194, 45196, 45197, 45198, 45199, 45202, 45203, 45204, 45206, 45207, 45208, 45210, 45211, 45212, 45213, 45215, 45217, 45220, 45221, 45222, 45223, 45226, 45228, 45229, 45232, 45233, 45234, 45235, 45236, 45237, 45239, 45240, 45241, 45243, 45245; PL 14896, 14897, 14899, 14900, 14901, 14902, 14903, 14904, 14905, 14906, 14907, 14908, 14912, 14913, 14914, 14915, 16717

The Fund also incorporates by reference its supplemental responses provided herein to Interrogatories numbered 9, 13, and 15.

Interrogatory No. 6: Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have “taken” an elephant within the meaning of the Endangered Species Act.

Supplemental Response to Interrogatory No. 6:

Subject to and without waiving The Fund's previous objections to this Interrogatory, The Fund hereby incorporates by reference the same supplemental response that it made with respect to Interrogatory No. 5, including the references to The Fund's responses to Interrogatories Nos. 9, 13, and 15, which are also incorporated by reference.

Interrogatory No. 9: State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers, and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

Supplemental Response to Interrogatory No. 9:

Subject to and without waiving The Fund's previous objections to this Interrogatory, The Fund supplements its prior responses to this Interrogatory with the following lists of documents incorporated by reference. These are documents that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

FELD 25608-25610; FEI 2208, 2474, 2477, 2479, 2482-2483, 2484; PL 8398, 9396-9397, 9398-9402, 10986-10988, 11005, 11124, 11747-11748, 11984-11988, 12575-12577, 12593.

Interrogatory No. 13: Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

Supplemental Response to Interrogatory No. 13:

Subject to and without waiving The Fund's previous objections to this Interrogatory, The Fund supplements its response to this Interrogatory with the following lists of documents and video footage incorporated by reference. These are documents and footage that have been produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

Documents: FELD 3400-4076; FEI 3166-3172, 21244; PL 964 965, 2421, 9078-9079, 9082, 9084-9089, 9158, 9276-9278, 9276-9278, 14659-14660, 14932, 14943-14944, 15072-15073, 15089-15096, 15102, 15106, 15118, 15120, 15121-15126, 15139-15145, 15148-15050, 15540-15577, 15579, 15582, 15584, 15585, 15588, 15590, 15593, 15595, 15597-15603, 15611-15623, 15628-15632, 15635-15637, 15640-15644, 15710-15727, 15729-15730; AWI 2608, 2609, 6659.

Videos: FEI 45224, 45237, 45238, 45242; PL 14896, 14906, 14907, 14908, 14910, 14911, 14912, 14913, 14914, 14915; Blue Unit Inspection Video; CEC Inspection Video.

Interrogatory No. 15: Describe each incident in which you contend that one of defendants' elephants has exhibited "stereotypic behavior," including the name of the elephant allegedly involved.

Supplemental Response to Interrogatory No. 15:

Subject to and without waiving The Fund's previous objections to this Interrogatory, The Fund supplements its prior responses to this Interrogatory with the following lists of documents and video footage incorporated by reference. These are documents and footage that have been

produced by defendant or plaintiffs in discovery that, as of today, plaintiffs have determined contain information responsive to this Interrogatory:

Documents: PL 9133, 9135.

Videos: FEI 45217, 45238, 45242; PL 14906, 14907, 14908, 14910, 14911; Blue Unit Inspection Video; CEC Inspection Video.

Interrogatory No. 17: Describe any and all positions you have taken, held, or espoused as regards the presentation of elephants in circuses, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Supplemental Response to Interrogatory No. 17:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that it has not changed its positions as stated in its prior Interrogatory responses, and that the manner in which it has communicated any such positions is reflected in supplemental documents that it has provided to defendants, F 4517-4522, and 4525.

Interrogatory No. 18: Describe any and all positions you have taken, held, or espoused as regards the use of ankuses to train, handle, or care for elephants, the date on which you adopted or espoused each such position, whether you still hold such position, and the manner in which you communicated the position to your membership or to others, including to government officials or persons in the business of operating circuses.

Supplemental Response to Interrogatory No. 18:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that it has not changed its positions as stated in its prior Interrogatory responses, and that the manner in which it has communicated any such positions is reflected in supplemental documents that it has provided to defendants, F4517-4522, and 4525.

Interrogatory No. 19: Describe each communication you have had since 1996 with any other animal advocates or animal advocacy organizations about the presentation of elephants in circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

Objection and Response to Interrogatory No. 19:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that representatives of The Fund have had conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, the status of this litigation, and the status of Feld Entertainment, Inc. v. American Society for the Prevention of Cruelty to Animals, et al., Civ. No. 07-1532 (EGS), all of which are protected by the attorney-client and attorney work product privileges, as well as the common-interest doctrine. The Fund has also had conversations with the other plaintiffs and their lawyers concerning strategies for obtaining media and legislative attention for the issue of elephants in circuses, all of which the Court has ruled are irrelevant, and are also protected by the plaintiffs' First Amendment right of association.

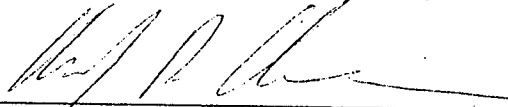
Interrogatory No. 21: Identify each resource you have expended from 1997 to the present in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" as alleged in the complaint, including the amount and purpose of each expenditure.

Objection and Response to Interrogatory No. 21:

Subject to and without waiving its previous objections to this Interrogatory, The Fund states that since January 2007, the Fund has expended approximately \$72,529.87 advocating better treatment for animals held in captivity, including animals used for entertainment purposes, through its website and other online communications. This amount was expended on consulting

and hosting fees incurred in creating and maintaining the Fund's website. Additional information concerning funding that The Fund has provided either directly or indirectly to support a media and public education campaign on behalf of elephants in circuses -- including the work of Tom Rider -- was provided in The Fund's September 2007 supplemental interrogatory responses. Since those responses were submitted, The Fund has provided no additional funds for the media and public education campaign, either directly or indirectly.

Objections respectfully submitted by,



Kimberly D. Ockene
(D.C. Bar No. 461191)
Katherine A. Meyer
(D.C. Bar No. 244301)

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Dated: January 29, 2008

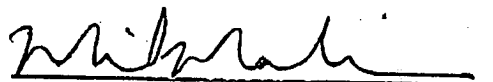
VERIFICATION

I, MICHAEL MARKARIAN, declare as follows:

I am employed as the President of The Fund for Animals. The Fund for Animals is a plaintiff in this case. I have read the foregoing objections and supplemental responses to Defendants' Interrogatories to Plaintiff The Fund for Animals and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.


Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

1/29/08
Date


Michael Markarian

State of Maryland
County of Montgomery:

Subscribed and sworn to this 29th day of January 2008.


Susan Adams
Notary Public
My Commission Expires: 6/21/2011