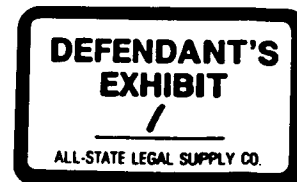


### REGULATORY STATUS OF THE SEVEN ASIAN ELEPHANTS AT ISSUE – SUMMARY

<b>Elephant</b>	<b>Regulatory Status</b>	<b>Location</b>
<b>Jewell</b>	<b>Pre-Act</b>	<b>CEC</b>
<b>Karen</b>	<b>Pre-Act</b>	<b>Blue Unit</b>
<b>Lutzi</b>	<b>Pre-Act</b>	<b>CEC</b>
<b>Mysore</b>	<b>Pre-Act</b>	<b>CEC</b>
<b>Nicole</b>	<b>Pre-Act</b>	<b>Blue Unit</b>
<b>Susan</b>	<b>Pre-Act</b>	<b>CEC</b>
<b>Zina</b>	<b>Pre-Act</b>	<b>CEC</b>



Regulatory Status of Asian Elephants Currently Owned By Feld Entertainment, Inc. -- Detail<sup>1</sup>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Jewell (F)	1951 India	1954 No record	CEC	<p><b>Pre-Act</b></p> <p>This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 187. Ex. 4 (p. 45). History indicates that elephant was acquired by "Venice BB" (FEI) in 1954 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). Ex. 3 (FELD 0006269). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. Ex. 3 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. Ex. 3 (FELD 0005176). This elephant was listed as "Pre-Act" and "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 2-28-97. Ex. 3 (FELD 0005535-37). This</p>

<sup>1</sup> The following abbreviations are used herein: "APHIS" = Animal and Plant Health Inspection Service, U.S. Department of Agriculture. "CBW" = captive-bred wildlife. "CEC" = Ringling Bros. and Barnum & Bailey Center for Elephant Conservation, Polk County, Florida. "DOB" = date of birth. "EX." = defendant's trial exhibit. "FEI" = Feld Entertainment, Inc. "FWS" = U. S. Fish and Wildlife Service, U.S. Department of the Interior. "USDA" = U.S. Department of Agriculture.

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				elephant was listed as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 6-25-99. Ex. 3 (FELD 0005526-28).
Karen (F)	1969 Thailand	1969 Trefflich, New York	Blue Unit	<p style="text-align: center;"><b>Pre-Act</b></p> <p>This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 195. Ex. 4 (p. 46). History indicates acquired by "Venice BB" (FEI) on 10-10-69. <i>Id.</i> DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). Ex. 3 (FELD 0006254). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. Ex. 3 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. Ex. 3 (FELD 0005176). This elephant was listed as "Pre-Act" and "Pre-Convention" on the following "Other Certificates" issued by FWS to FEI on the respectively indicated dates: (i) on 10-30-02 Ex. 3 (FELD 0005199) and (ii) on 2-28-97 Ex. 3 (FELD 0005535-37). This elephant was listed as "Pre-Convention" on the "Other Certificate" issued by FWS to FEI</p>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				on 6-25-99. Ex. 3 (FELD 0005526-28).
Lutzi (F)	1950 India	1954 No record	CEC	<p style="text-align: center;"><b>Pre-Act</b></p> <p>This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 182. Ex. 4 (p. 45). History indicates that this elephant was acquired by FEI in 1954 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). Ex. 3 (FELD 0006269). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. Ex. 3 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. Ex. 3 (FELD 0005176). This elephant was listed as “Pre-Act” as well as “Pre-Convention” on CITES “Other Certificate” issued by FWS to FEI on 2-28-97. Ex. 3 (FELD 0005535-37). This elephant was listed as “Pre-Convention on CITES “Other Certificates” issued by FWS to FEI on 6-25-99 and 10-30-02. Ex. 3 (FELD 005268, 0005526-28).</p>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Mysore (F)	1946 Asia	1986 Buckeye Circus Corporation (Tony Diano), Canton, Ohio	CEC	<p style="text-align: center;"><b>Pre-Act</b></p> <p>This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 416. Ex. 4 (p. 67). History indicates that the only holder between 1973 and acquisition by FEI was "Diano BR," <i>i.e.</i>, Diano Brothers Circus, which was a trade name of Anthony Diano who also did business as Buckeye Circus Corporation. <i>Id.</i> Prior to Diano, this elephant was held by Dailey Brothers Circus. <i>Id.</i> Source is set forth on Blue Unit Animal Census (2-9-05). Ex. 3 (FELD 0006254). FEI acquired this elephant pursuant to a letter agreement dated 4-23-86, Ex. 3 (FELD 0005247-49), and pursuant to Federal Fish and Wildlife Permit No. 707241, issued by FWS pursuant to 50 C.F.R. § 17.22 "for the purpose of enhancement of propagation," Ex. 3 (FELD 0005250). This elephant was listed as "Pre-Convention" on CITES "Other Certificates" issued by FWS to FEI on 11-25-02, 6-25-99, 2-28-97 and 7-29-86. Ex. 3 (FELD 005242-43, 0005526-28, 0005328, 0005535-37).</p>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Nicole (F)	1975 Myanmar	1980 Timber Corporation, Myanmar, through H. Ruhe, West Germany	Blue Unit	<p style="text-align: center;"><b>Pre-Act</b></p> <p>This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 196 (as "Nichole"). Ex. 4 (p. 46). Source, DOB and date of acquisition set forth on Blue Unit Animal Census (2-9-05). Ex. 3 (FELD 0006254). This elephant was bred in captivity in Myanmar (formerly Burma) and is one of a group of six (6) elephants acquired by FEI in 1980 from the Timber Corporation, a government-controlled logging company in Myanmar (formerly Burma). Ex. 3 (FELD 0005516-18). The transaction was facilitated by Hermann Ruhe of Alfeld, West Germany. <i>Id.</i> The Timber Corporation utilized Asian elephants in logging activities. <i>Id.</i> Its primary business was not the buying and selling of animals. <i>Id.</i> This elephant was at least four years old at the time of acquisition by FEI and was held by the Timber Corporation on June 14, 1976. <i>Id.</i> The acquisition of this elephant by FEI was in accordance with Federal Fish and Wildlife Permit No. PRT 2-6874, issued by FWS pursuant to 50 C.F.R. § 17.22, effective as of 10-15-80, "for enhancement of propagation and survival." Ex. 3 (FELD 0005513). Notice of application for the permit was</p>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				published in the Federal Register on August 18 and 21, 1980, 45 Fed. Reg. 54871 & 55826 (Aug. 18 & 21, 1980).
Susan (F)	1951 India	1954 No record	CEC	<p style="text-align: center;"><b>Pre-Act</b></p> <p>This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) Studbook # 184 (under the name "Suzan"). Ex. 4 (p. 45). History indicates that this elephant was acquired by FEI in 1954 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). Ex. 3 (FELD 0006254). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. Ex. 3 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. Ex. 3 (FELD 0005176). This elephant was listed as "Pre-Act" as well as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 2-28-97. Ex. 3 (FELD 0005535-37). This elephant was listed as "Pre-Convention on CITES "Other Certificate" issued by FWS to FEI on 6-25-</p>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				99. Ex. 3 (FELD 0005526-28).
Zina (F)	1961 Asia	1972 William Smart Circus England	CEC	<p style="text-align: center;"><b>Pre-Act</b></p> <p>This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 419. Ex. 4 (p. 67). History indicates that the elephant was acquired by William Smart Circus on an unstated date prior to 1972 and acquired by “Venice BB” (FEI) in 1972. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). Ex. 3 (FELD 0006269). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. Ex. 3 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. Ex. 3 (FELD 0005176). This elephant was listed as “Pre-Act” as well as “Pre-Convention” on CITES “Other Certificate” issued by FWS to FEI 2-28-97. Ex. 3 (FELD 0005535-37). This elephant was listed as “Pre-Convention” on CITES “Other Certificates” issued by FWS to FEI on 6-25-99 and 10-30-02. Ex. 3 (FELD 0005526-28, 0005599).</p>



