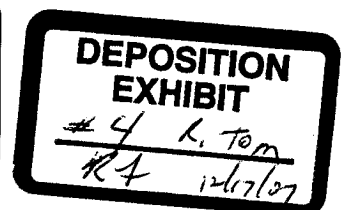
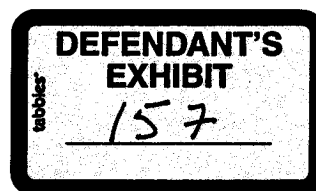


**PLAINTIFFS' EXHIBIT LL**  
To Plaintiffs' Notice of Filing Supplemental  
Affidavits In Support of Their Opposition to  
Defendants' Motion for Summary Judgment  
Civ. No. 03-2006 (EGS/JMF)



### DECLARATION OF ROBERT TOM JR.

I, Robert Tom Jr., declare as follows:

1. I am currently 41 years old. I was employed as an animal handler with Ringling Bros. and Barnum & Bailey Circus for nearly two years. I worked on the red unit. I was responsible for caring for horses, miniature horses, zebras, camels, cows, and goats. My duties included stable watch, cleaning, feeding, and watering. Prior to working for Ringling, I was a city employee for New York City and worked in the sanitation department for ten years.
2. I am currently residing in Kentucky and my cell phone number is 941-448-6248. An alternative phone # for me is 270-753-6794.
3. My wife, Margaret, who worked backstage at the circus, and myself were discharged by Ringling on Sunday, August 6, 2006. I believe my dismissal was directly related to my repeated and futile complaints to circus management about the mistreatment and sometimes violent abuse of animals.
4. While the circus had a layover in Tulsa, Okla., (between approximately May 25, 2006 and June 6, 2006, at the Tulsa Fairgrounds) I observed Ringling's head elephant trainer Sacha Houcke severely abusing elephants. Two elephants began fighting and one of the elephants refused a command to lie down. Sacha began aggressively hooking the elephant using two bullhooks at once. He hooked her behind the left ear and on the back. This attack resulted in severe wounds and the elephant began bleeding from the back and behind the ear and screaming in pain. This beating lasted for approximately 30 minutes, with Sacha exerting such energy that he would periodically sit in a chair to take a break, then return to the

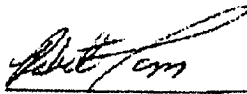
- elephant and start hooking again. The elephant was chained by a front and back leg at the time. After the beating, they washed the elephants to wash off the blood.
5. The elephants are so terrified of Sacha and a handler whose first name is Antonio that they start urinating, defecating, trumpeting and squealing as soon as they hear their voices. Antonio told me that they have to use the bullhook to show discipline to the elephants. I have observed Antonio and Sacha aggressively and regularly hooking elephants for no apparent reason. This aggressive hooking takes place on a daily basis.
  6. I have observed handlers rub dirt into bloody bullhook wounds to conceal the wounds when people are around.
  7. During Ringling's 2006 performance in Baltimore, Maryland, Antonio was trying to draw blood from behind the ear of an elephant. Even though the elephant was standing still, Antonio hit the elephant repeatedly on the forehead with a bullhook. The elephant is believed to be Luna or Tonka. The elephant screamed, trumpeting and squealing.
  8. One of the horses, Mojave, has spurs in his ankle. He is forced to perform with this condition.
  9. During Ringling's 2006 performance in Fairfax, Va., 2006, I observed two cows (one from India, the other a Scottish Highland) fighting, with one cow pinning another down, causing the Indian cow to suffer a serious slash that went around the right, front ankle and a scrape by the kneecap. She bled for 10 minutes and began limping. I immediately brought it to the attention of Kelly and Antonio. This cow suffered for 2 hours before Kelly Hook finally administered a topical

- cream. Despite my repeated complaints for further treatment over the next several days, she was only examined and treated the one time by Kelly. The wound looked slightly infected the next day, but neither Kelly nor Antonio (both served as vet techs despite having no formal training) provided any further care or exam.
10. During Ringling's June 9-11, 2006, performances in Oklahoma City, I observed a handler named Mike beat a white horse named Sonny. While walking back from the arena, Sonny bit Mike, and Mike tethered Sonny (with just 1-1/2 to 2-feet of slack on his lead and began whipping the horse with the metal snap of the lead. This beating lasted ten minutes. Sonny jumped around and tried to rear up in an attempt to avoid being hit. I noticed approximately two weeks later that Sonny's front tooth was broken in half. I complained to John Griggs, Jason Belfore, Alex Vargas, and Sacha Houcke. Mike was never written up, suspended, or otherwise reprimanded for this incident.
11. Just before Ringling's 2006 performances in Oklahoma, a pony got loose inside the arena. When he was captured, I observed Kelly Hook very forcefully punching the pony near the ribs and hips approximately five times. I complained to the vet tech Carey Coleman about the beating, but no one did anything.
12. I complained to John Griggs and Jason Belfore about the whipping and punching of the horses and in particular Mike's beating of the horse named Sonny, they didn't do anything. A short time later, circus management started to falsely accuse me of neglecting animals. I had never been reprimanded until I complained about the abuse. Neither had my wife.

13. The circus routinely hires people with no animal care experience for the animal crew. Very little training is provided by Ringling.
14. I have observed Kelly Hook and who has no veterinary or veterinary technician training; administer medicine, including injections in the body and oral syringes of liquid medication, to horses. I have observed Sacha Houcke do the same with horses and elephants.
15. Carey told me that the circus does not keep medical records for the animals, including what medications are administered.
16. I have observed bed sores on numerous horses, caused by inadequate bedding on the floor.
17. The circus train typically only stops twice per day to water and feed the animals. On some 2-day runs, they don't even stop to water the animals. On a 3 or 4 day train run, they stop only once to let the elephants and horses off of the train for about 2 hours to clean the boxcars. During these infrequent stops, we fill up to a dumpster-and-a-half with waste that accumulates in the four animal cars.
18. While on the boxcars, the animals do not have enough room to turn around or lay down.
19. The fans in the elephant cars burn out frequently from being clogged with hay dust.
20. The stench from waste accumulation in the boxcars is horrible and has a strong ammonia smell.
21. I have observed camels suffering with urine burns.

22. During Ringling's 2006 visit to Fairfax, they left horses on the train for an extended period, almost 12 hours in near 100-degree heat and two horses suffered heatstroke. They were lying down, panting, completely on their sides with their heads on the floor of the boxcar, their skin was bumpy and their hair was covered with sweat. When these horses were discovered, it took 1-1/2 hours until they were hosed down. They did not give them drinking water for fear they would go into shock.
23. Even though feeding practices have not changed, many of the horses are losing weight. The ribs are visible on some of the horses. I pointed this out to Kelly and Sacha. They have not done deworming or performed routine dentistry on the horses since I have been with the circus.
24. Carey told me that a lot of medicine disappears from the veterinary trailer. No records are kept on medications that are removed from the veterinary trailer.
25. About an hour after it happened, I heard the elephant crew laughing about an incident in Oklahoma City in 2006 where Sacha Houcke brought elephants close to a PETA staffer during the walk from the arena to the train.
26. Sacha Houcke is a heavy drinker and has a bad temper and argues frequently with the animal crew.
27. I have seen members of the elephant crew hooking elephants behind the ear, on the legs and on the trunk and leaving bloody wounds. Some elephants have torn ear flaps caused by bullhooks.
28. At least two elephants on the red unit have arthritis.

29. One of the elephants, possibly Aussen, has a medical condition that I understand to be a hole near her rectum and bladder so that urine discharges from both ends, including the rectum. Her eyes squint as though she is in pain. Another elephant, possibly Baby, has ovarian cysts. No medical procedures have been performed for either of these conditions.
30. I have observed Luna swing her trunk at employees in an aggressive fashion.
31. After the USDA left from conducting an inspection in 2006, while in College Station, TX, the circus held an open house and decided not to put up safety barriers between the public and the elephants, exotic animals, and horses. John Griggs said not to bother with the fences because the USDA is not coming back.
32. Alex and Sacha would alert the animal crew an hour beforehand that the USDA is coming and to clean up their respective areas.
33. Jason Belfore and John Griggs told me that they are going to press legal charges against me for talking to PETA.



Bob Tom

City of Murray, to-wit:

Subscribed and sworn to before me this 10 day of <sup>October</sup>~~September~~, 2006, by Bob Tom.



Notary Public

