

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. 00-01641 (EGS)
	)	
v.	)	
	)	
RINGLING BROS. AND BARNUM & BAILEY CIRCUT, <u>et al.</u>	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF ANIMAL WELFARE INSTITUTE’S 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**

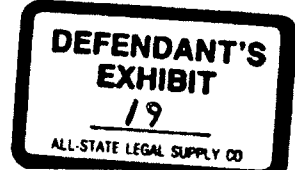
Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties,  
plaintiff Animal Welfare Institute (“AWI”) hereby offers the following objections and  
responses to Defendants’ First Set of Interrogatories to AWI.

**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. AWI’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. AWI’s objections



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

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

4. AWI 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. AWI further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate the privacy or other rights of individuals.

5. In responding to these Interrogatories, AWI does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, AWI 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. AWI 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. AWI 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 AWI 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 AWI 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. AWI 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. AWI objects to the definition of “identify” to the extent it seeks to impose discovery obligations on AWI 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, AWI 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**

AWI 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, AWI answers 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.

**Objection and Response to Interrogatory No. 1:**

Subject to and without waiving the general objections to these Interrogatories, AWI 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.

**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:**

AWI objects to this Interrogatory on the grounds that it is vague and ambiguous.

Subject to and without waiving these or the general objections, AWI states that none of its employees or volunteers has had training or experience in the treatment of Asian elephants.

**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:**

AWI objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive. Subject to and without waiving this or the general objections, AWI estimates that approximately half of its program activities are related to improving conditions for captive animals, with an average annual total expenditure of approximately \$437,000 from 1997 to the present. Since 1997 AWI has spent on average approximately \$28,000/year producing educational materials “advocating better treatment of animals held in captivity,” including \$14,666 to publish Comfortable Quarters for Laboratory Animals, and \$12,754 to publish Environmental Enrichment for Caged Rhesus Macaques. AWI spends about \$25,000/year speaking and/or attending and distributing educational material on improving the treatment of animals in captivity at symposia, and approximately \$25,000/year conducting research and writing to encourage better treatment of captive animals. AWI has produced databases on enriching the lives

of captive animals for use by the general public, and maintains an on-line forum on enriching the lives of captive animals. The cost for updating the databases and maintaining the forum is approximately \$40,000/year. AWI provides guidance directly to individuals who have animals in captivity about ways to improve the conditions for their animals and spend approximately \$32,000/year on this activity. Many of the documents produced by AWI in response to defendants' document requests also demonstrate resources AWI expends in advocating for the better treatment of animals in captivity.

**Interrogatory No. 22:**

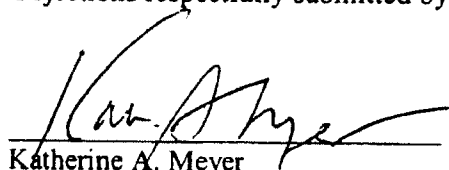
Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

**Objection and Response to Interrogatory No. 22:**

AWI objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these objections, AWI states that in 2000 it spent approximately 3% of the time and benefits of the Executive Director, Cathy Liss and President, Christine Stevens (full-time volunteer), as well as .5% of the overhead for its office gathering information from individuals and other organizations about Ringling Brothers' treatment of its Asian elephants, culminating in AWI's decision to become a co-plaintiff in this action; a total resource expenditure of approximately \$6,650. AWI states that it 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. AWI also spent approximately \$14,000 between 2002 and 2003 in reviewing the documents received in

response to the Freedom of Information Act law suit, and compiling 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, annually AWI expends miscellaneous staff resources searching the news, the internet, and other sources for information related to defendants' treatment of their elephants.

Objections respectfully submitted by,



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

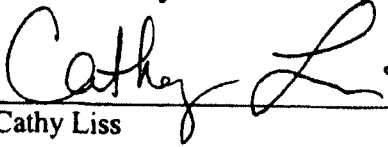


**VERIFICATION**


CITY OF ALEXANDRIA        )  
  )  
STATE OF VIRGINIA         )

CATHY LISS, being duly sworn, says:

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

  
\_\_\_\_\_  
Cathy Liss

Sworn to before me this  
2<sup>nd</sup> day of June, 2004

  
\_\_\_\_\_  
Notary Public

My Commission Expires: Sept. 30, 2006

\_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

**PLAINTIFF ANIMAL WELFARE INSTITUTE’S SUPPLEMENTAL RESPONSES  
AND OBJECTIONS TO DEFENDANTS’ FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff Animal Welfare Institute (“AWI”) hereby provides the following supplemental responses and objections to Defendants’ First Set of Interrogatories.

**DEFINITION**

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.

**OBJECTIONS**

1. AWI hereby incorporates by reference both the general and specific objections that it made to Defendants’ First Set of Interrogatories, as well as its objections to defendants’ definitions of “describe” and “identify.”

2. AWI 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**

AWI 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, AWI 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, AWI 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. AWI 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. AWI 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.

**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:**

AWI 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 AWI’s previous objections to this Interrogatory, AWI states that D.J. Schubert now works for AWI and had some experience working with an Asian elephant named Tara from November 1, 2002 - August 2003 when he worked as the Manager of the Black Beauty Ranch. AWI hereby incorporates by reference the description of Mr. Schubert’s experience that was provided by the Fund for Animals in response 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.

**Supplemental Response to Interrogatory No. 21:**

Subject to and without waiving its previous objections to this Interrogatory, AWI states that since June 2004 it has spent an average of approximately \$440,000 annually on program

activities related to improving conditions for captive animals; an average of approximately \$49,800 a year producing educational materials advocating better treatment of animals held in captivity; approximately \$22,380 a year speaking at and/or attending and distributing educational materials on improving the treatment of animals in captivity at symposia and approximately \$23,000 a year conducting research and writing to encourage better treatment of animals; approximately \$38,900 a year updating databases and maintaining an on-line forum on enriching the lives of captive animals; and approximately \$38,850 a year providing guidance directly to individuals who have animals in captivity about ways to improve the conditions for their animals.

AWI has made contributions to the Wildlife Advocacy Project for advocacy work for public education on the issue of the treatment of elephants held in captivity. Documents reflecting these contributions have been produced by AWI and are hereby incorporated by reference, AWI 06494-06506.

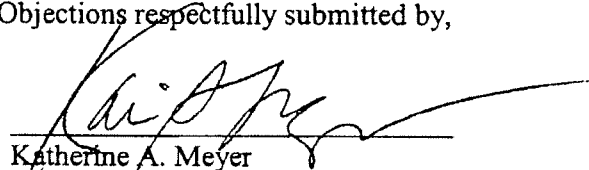
AWI also spent approximately \$768.73 in September 2005 in connection with Tracy Silverman attending a press conference in Sacramento California concerning Ringling Bros.' mistreatment of elephants.

**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, AWI states that it has spent approximately \$12,102.10 on legal fees and costs pursuing information from the United States Department of Agriculture concerning defendants' actions and treatment of elephants.

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

CITY OF ALEXANDRIA )  
)  
)  
STATE OF VIRGINIA )

TRACY SILVERMAN, being duly sworn, says:

I am employed as Legal Associate for the Animal Welfare Institute ("AWI") and Legislative Counsel for the Society for Animal Protective Legislation, a division of AWI. AWI is a plaintiff in this case. I have read the foregoing supplemental objections and responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

Tracy Silverman  
Tracy Silverman

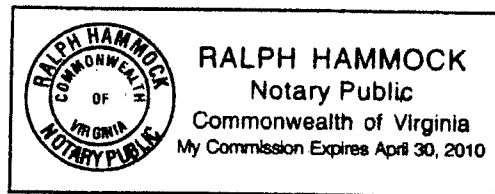
Sworn to before me this

30th day of January, 2007

Ralph Hammock  
Notary Public

My Commission Expires:

APR 30, 2010





UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

**PLAINTIFF ANIMAL WELFARE INSTITUTE’S SUPPLEMENTAL RESPONSES AND  
OBJECTIONS TO DEFENDANT’S 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 August 23, 2007 Order of the Court, plaintiff Animal Welfare Institute (“AWI”) hereby offers the following supplemental or amended responses to Defendant’s First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals. AWI hereby incorporates by reference the definitions and the general and specific objections that it made in its original and January 31, 2007 responses to Defendant’s First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals.

**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, AWI supplements and amends its prior responses to this Interrogatory by providing the following information concerning both direct and indirect funding for Tom Rider’s media and public education campaign concerning the treatment of elephants in circuses. AWI states that although it did not originally view this information as responsive to this Interrogatory, it is 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 AWI’s prior responses to this Interrogatory remain unaltered.

Since 2000, AWI has provided funds directly to Mr. Rider, or has paid directly for Mr. Rider’s expenses, on several occasions. On each such occasion the funds were to cover Mr.

Rider's travel and living expenses so that he could continue his important public education and media work concerning the treatment of elephants in the Ringling Bros. Circus. In 2000-2001, AWI provided a total of \$1,102 to Mr. Rider for this purpose. This grant is reflected in the document AWI 09948, at 09968. In 2005 AWI twice provided Mr. Rider with funds by wire transfer so that he could travel and continue his public education work – once on February 14, 2005, in the amount of \$600, and the other on February 22, 2005 in the amount of \$500. These transfers are reflected in the document AWI 9941 (the amounts show \$655 and \$553 respectively because of the additional wire transfer fees).

In 2006 AWI also provided Mr. Rider with direct funds twice so that he could continue touring the country doing public education work. On March 21, 2006 AWI gave Mr. Rider \$250 in the form of a check, reflected in AWI 9945, and on March 30, 2006 AWI gave Mr. Rider \$500 via wire transfer. The wire transfer is reflected in AWI 9946. AWI 9946 is a check made out to AWI employee Jill Umphlett for \$600. Ms. Umphlett cashed the check and wired \$500 to Mr. Rider, and there was a \$36 wire transfer fee. The remaining \$64 was placed in AWI's petty cash funds. On December 8, 2006, AWI paid for the repair of Mr. Rider's van in the amount of \$1,657.58. This payment is reflected in AWI's credit card statement, at AWI 9943-9944 (payment to "Ricks German Performance Atascadero CA").

Since 2004 AWI 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. It is AWI's understanding that these funds are used 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:

AWI 6058, 6495-6506, 9927-9930.

On several occasions in 2001, 2002 and 2003, AWI also provided some funds indirectly for Mr. Rider's public education and media efforts through reimbursements to the law firm Meyer & Glitzenstein. Those funds were transferred to Mr. Rider by Meyer & Glitzenstein, and were billed to AWI as a cost for media work.<sup>1</sup>

The amount of funds that AWI contributed to Mr. Rider's public education work in this fashion – including the fees for the wire transfers – amounts to approximately \$2,032.00, and is reflected in Meyer & Glitzenstein invoices being produced by AWI, see AWI 9932-9939, and 10048-10057. 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. When an invoice indicates that there was a “shared expense,” see, e.g., AWI 9939, this means that the expense was shared equally among the groups, unless the invoice indicates that the expense was divided in some other specified manner, see, e.g., AWI 9934. When an invoice indicates that there was a “special expense,” see, e.g., AWI 9939, this means that the specified expenses were billed only to the client to whom the invoice is addressed. Similarly, due to a change in the invoicing system, the

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<sup>1</sup>At her May 2005 deposition, Ms. Liss was asked: “Has Animal Welfare Institute ever paid Mr. Rider any money?” Transcript of May 18, 2005 Deposition of Cathy Liss at 138. Ms. Liss did not identify these specific funds at the time because she did not think of them as direct payments by the organization to Mr. Rider.

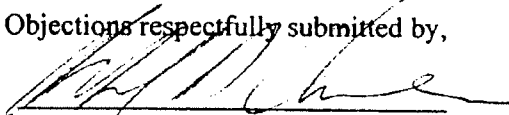
phrase "Additional Charges from Primary Client" in the April 11, 2003 invoice, AWI 9932, means that that particular item was shared among the clients.

**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:**

AWI 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  
Washington, D.C. 20009  
(202) 588-5206

Dated: September 24, 2007

VERIFICATION

CITY OF VA )  
 )  
STATE OF Alexandria )

TRACY SILVERMAN, being duly sworn, says:

I am employed as General Counsel for the Animal Welfare Institute ("AWI"). AWI is a plaintiff in this case. I have read the foregoing supplemental objections and responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute and know the contents thereof. Upon information and belief, said objections and responses are true and correct.

Tracy Silverman  
Tracy Silverman

Sworn to before me this

24 day of September, 2007

[Signature]  
Notary Public

My Commission Expires:

6/30/2010 ID#295077



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)

**PLAINTIFF ANIMAL WELFARE INSTITUTE'S FOURTH  
SUPPLEMENTAL RESPONSES AND OBJECTIONS TO  
DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33, plaintiff Animal Welfare Institute ("AWI") hereby offers the following supplemental responses to Defendants' First Set of Interrogatories. AWI hereby incorporates by reference the definitions and the general and specific objections that it made in its previous responses to Defendants' First Set of Interrogatories.

**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.

**Objection and Response to Interrogatory No. 1:**

Subject to and without waiving AWI's previous objections to this Interrogatory, and pursuant to the Court's December 18, 2007 Order concerning the exchange of witness lists, AWI

**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, AWI estimates that from December 31, 2006 – January 28, 2008 it spent approximately \$440,000 on program activities related to improving conditions for captive animals. In addition to staff time, this includes approximately \$50,000 producing educational materials advocating better treatment of animals held in captivity; approximately \$30,000 speaking at or attending and distributing educational materials at symposia; approximately \$40,000 updating databases and maintaining an on-line forum on enriching the lives of captive animals; and approximately \$32,000 providing guidance directly to individuals or entities who have animals in captivity about ways to improve the conditions for their animals.

Since its last supplemental response to this Interrogatory in September 2007 in response to the Court's August 23, 2007 Order, AWI has also provided a total of \$1,250 directly to Mr. Rider to cover his living expenses while he pursues his public education and media work on behalf of circus elephants. Seven hundred and fifty dollars of this total amount was provided to Mr. Rider in the form of a check on January 3, 2008, see AWI 10118, and five hundred dollars of this total amount was wired to Mr. Rider on January 11, 2008, see AWI 10116. AWI also contributed \$3,000 to the Wildlife Advocacy Project on November 1, 2007, for the purpose of supporting that organization's advocacy and public education work on the issue of the treatment of elephants held in captivity. See AWI 10120. It is AWI's understanding that these funds are used to support Mr. Rider's public education and media work on behalf of the elephants. On

January 11, 2008, AWI also contributed \$4,500 to the Wildlife Advocacy Project for the same purpose. See AWI 10119.

Objections respectfully submitted by,



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

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

Dated: January 30, 2008

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE	)
PREVENTION OF CRUELTY TO	)
ANIMALS, <u>et al.</u> ,	)
	)
Plaintiffs,	)
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v.	)
	)
RINGLING BROS. AND BARNUM	)
& BAILEY CIRCUS, <u>et al.</u> ,	)
	)
Defendants.	)
	)

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

VERIFICATION

I, Tracy Silverman, declare as follows:

1. I am employed as the General Counsel for the Animal Welfare Institute ("AWI"). The AWI is a plaintiff in this case.

2. I have read the foregoing supplemental objections and responses to defendants' First Set of 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.

  
Tracy Silverman

Dated: January 30, 2008