

# EXHIBIT E

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF	)	
CRUELTY TO ANIMALS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:03-cv-2006
	)	
FELD ENTERTAINMENT, INC,	)	(EGS)
	)	
Defendant.	)	
	)	
	)	

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**DECLARATION OF NICOLE PAQUETTE**

Pursuant to 28 U.S.C. § 1746, I, Nicole Paquette, declare as follows:

1. I was the general counsel of the Animal Protection Institute (API) from 2001 to 2009 and I testified as the principal witness for API as an organizational party in the above captioned litigation.

2. I am more than twenty-one years of age, and I make this declaration based upon my personal knowledge and information acquired or observed in my involvement on behalf of API overseeing the above-captioned case, *American Society for the Prevention of Cruelty to Animals, et al. v. Feld Entertainment, Inc.*, No. 1:03-cv-2006 (EGS) (the “ESA Litigation”).

3. I have a B.A. from San Francisco State University and a J.D. from Vermont Law School. After graduating from law school, I worked for the Washington D.C. litigation firm of Cohen & Cohen, before joining API in 1999 as Government Affairs Coordinator. After several promotions, I was appointed Senior Vice President and General Counsel, and that was the title I held at the time of the trial in 2009. I am admitted to practice law in the District of Columbia,

Massachusetts, and California. I have never been sanctioned by any court.

4. Later in 2010, I took a position at the Humane Society of the United States (HSUS). My new title is Deputy Director, Program and Policy, working in both the HSUS Gaithersburg Office, and its headquarters at 2100 L Street, NW, Washington, DC 20037. This Declaration represents my personal knowledge of the litigation in my role as general counsel for API and nothing in this Declaration should be construed as an official position or statement of HSUS. Because I no longer have personal knowledge about API (now "Born Free USA"), this Declaration addresses only the facts I knew up until the conclusion of the trial.

5. During my employment at the API, I was responsible for overseeing the ESA Litigation on behalf of the API. The API is a duly incorporated 501(c)(3) humane organization that works to advocate for animals. At the time of the trial, I testified that API had four campaign areas, one of which focused on animals in entertainment. It also worked on international wildlife trade, exotic pets, and trapping and fur issues.

6. With regard to animals in circuses, API's work included (a) public education and advocacy; (b) media outreach, (c) legislative efforts; (d) litigation; and (e) regulatory work.

7. Based in Sacramento, California, and formed in 1968, API had a long history of advocating for animals in circuses. In December 2007, API combined with another organization, Born Free, USA, and changed its name to "Born Free USA United with Animal Protection Institute."

8. In 2005, API had approximately 40,000 members and supporters nationwide. API and its members were concerned about Ringling Brothers' use of the bullhook on elephants, the chaining of the elephants, and their transport across the country. Id. 5:6-5:25. In addition to API's ongoing advocacy efforts, to address these concerns, in July 2005 API sent FEI a 60-day

notice letter of intent to sue for violations of the ESA, id. 16:10-17:6; see also PWC 91, and, on February 23, 2006, API became a plaintiff in this suit. See DN 60.

9. API joined the litigation in 2006 only after a full discussion by the board members of API and what I perceived as a sincere belief that the litigation would advance the interests of the organization in several ways. API had an interest in educating the public about the mistreatment of circus elephants and was spending substantial time, money and effort on that priority item. API also had an interest in the regulatory process surrounding the circuses' use of elephants and API would gain additional information about the elephants if FEI were required to follow the permitting process. FEI's refusal to seek permits denied critical information to API that would be useful in its advocacy efforts.

10. At trial, I testified on behalf of API to demonstrate that it had Article III standing. I believed that API had a legitimate good faith argument that it had standing and that its standing was well grounded in fact and law.

11. With respect to Mr. Rider's status to advocate on behalf of the Ringling Bros. elephants, I had interaction with Mr. Rider both before and after API entered this case. I followed his public education activities and media outreach. Based on my observations, he was a very effective spokesman for the elephants, and I believed that he genuinely wanted to improve the elephants' lives and that his media advocacy and participation in the ESA Litigation were driven by that desire.

12. API had a legislative strategy to advocate for laws to protect circus elephants. I witnessed Tom Rider testify before legislative committees and lobby legislators where he was questioned on his knowledge and motivation. In each situation, I believe that he was a credible and effective advocate for the elephants and that his testimony was uniformly believed by the

lawmakers who heard and saw him testify. Based on my interaction with Mr. Rider, I believed – and continue to believe – that he had a personal, emotional attachment to the Asian elephants at Ringling Bros.

13. At various times during the API's involvement with its legislative strategy, API directly or indirectly contributed funds to support Mr. Rider's traveling expenses while he conducted his advocacy, media, and legislative efforts related to the elephant mistreatment that he had observed at Ringling. I believed that Mr. Rider had made significant sacrifices to follow the circus and speak out about the abuse he had witnessed because of his genuine love of the elephants.

14. The API never paid Mr. Rider to lie under oath, to say anything that was not true, or to engage in any other improper conduct.

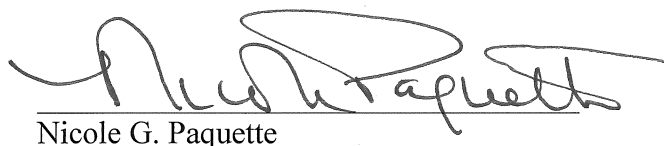
15. I never intended to, and did not, withhold any information regarding the API's funding of Mr. Rider. To my knowledge, no one at API took any steps to conceal, disguise, or stonewall disclosure of any payments to Mr. Rider for the important advocacy work that he was doing.

16. In addition to my interaction with Mr. Rider, in my role at the API, I reviewed pleadings, filings, discovery responses, depositions, documents, reports, video footage, photographs, hearing and trial transcripts, and trial exhibits in the ESA Litigation, and I also attended most of the trial. At no time have I believed that the ESA Litigation was brought or continued for an improper purpose or to harass anyone. To the contrary, the API joined the litigation to advance its legitimate institutional objectives and to help improve the lives of the Asian elephants by enforcing the ESA's prohibition against the "take" of endangered species. In addition, my review of these materials reinforced my belief based upon my experience,

observations and interaction with Mr. Rider, that he had a personal and emotional attachment to the Asian elephants under the control of FEI, that he suffered injury as a result of the elephant mistreatment he observed when employed by FEI, that he genuinely wanted to improve the elephants' lives. I believe that all of API's claims were well grounded in fact and the governing law.

17. In sum, in pursuing the ESA Litigation, the API believed it had a good faith basis for asserting Article III standing and that the litigation was not entered for any improper purpose.

I declare under penalty of perjury that the foregoing is true and correct.

  
Nicole G. Paquette

Executed on June 11, 2012.