EXHIBIT I

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, et al.,	)	
Plaintiffs,	)	
v.	)	**Civ. No. 03-2006 (EGS/JMF)**
FELD ENTERTAINMENT, INC.,	)	
Defendant.	)	

Declaration of Kimberly D. Ockene

Pursuant to 28 U.S.C. § 1746, I, Kimberly D. Ockene, declare as follows:

1. I submit this declaration in the above-captioned case (the "ESA case") in response to defendant's motion seeking more than $20 million in legal fees against me, other lawyers in this case, and plaintiffs, on a joint and several basis, on several grounds, including use of this Court's inherent discretionary powers to sanction counsel as well as pursuant to 28 U.S.C. § 1927. I am more than 21 years of age. I make this declaration based on my personal knowledge and in my personal capacity and not on behalf of any employer or client, and without authorization or intent to waive any privilege held by any employer or client. I have shared this finalized declaration with individual counsel for each plaintiff and each counsel has advised that its client has determined that nothing in this declaration waives the attorney-client privilege and consents to the filing of this declaration.

2. I am currently a Senior Attorney in the Animal Protection Litigation section of The Humane Society of the United States ("HSUS").

3. I received my Juris Doctor from the Boston University School of Law in 1997 with high honors. Upon graduation, I worked as a law clerk to the Honorable Sandra L. Lynch on the United States Court of Appeals for the First Circuit from 1997 to 1998.

4. I am a member of the bar of the United States District Court for the District of Columbia, the United States District Court for the District of Massachusetts, the United States Courts of Appeal for the Second and Ninth Circuits, the United States Supreme Court, and the bars of the District of Columbia, Massachusetts and New York. I have never been sanctioned by any court or bar, nor has any attorney ever served me with a notice of intent to seek sanctions under Fed. R. Civ. P. 11(c)(1)(A).

5. I was hired by the law firm Meyer & Glitzenstein (now Meyer Glitzenstein & Crystal) ("MGC") in October 2001, and worked there until October 2008, first as an associate attorney and then as an employed, non-equity partner.

6. Before I joined MGC, the firm had conducted a pre-complaint investigation, drafted and filed the original complaint in the ESA case, sustained dismissal of the ESA case for lack of standing, and appealed that dismissal to the D.C. Circuit. I have no first hand knowledge of any of these events.

7. At some point after I joined the firm, I learned about the ESA case, likely from informal discussions with other MGC lawyers. I began to record time to the ESA case in September 2003 and remained involved in the ESA case from that point until I left the firm in October 2008, with the exception of an approximately 4 month period from early November 2006, to February 2007, when I was on maternity leave and out of the office. During my tenure on the ESA case at MGC, I worked closely with and was supervised by equity partners in the law firm. At all times

when I worked on the ESA case, I acted solely as a lawyer for the plaintiffs and was never a party to the ESA case.

8. Along with other lawyers in the firm, I signed the Amended Complaint, which was filed on September 26, 2003. I reviewed the Amended Complaint before I signed it. At that time, I was new to the case, lacked any first-hand knowledge of the facts underlying the factual allegations in the original complaint, and had not drafted the original complaint or newly added allegations in the Amended Complaint. Because I was new to the matter and understood that the factual allegations relating to Mr. Rider in the Amended Complaint were very similar to the factual allegations in the original complaint, I relied on the work performed by more senior lawyers in the firm, whom I trusted and who had significant experience in bringing and litigating cases under the Endangered Species Act, to investigate the facts and draft the factual allegations.

9. At that time, I was familiar with the Article III standing requirements for animal and environmental matters. I had also read the D.C. Circuit's opinion, ASPCA v. Ringling Brothers, 317 F.3d 334 (D.C. Cir. 2003), and understood that the D.C. Circuit found that the facts, as alleged in the original complaint, involving Mr. Rider's attachment to the elephants and his aesthetic and emotional injury stemming from their mistreatment were sufficient to create Article III standing. Based on my understanding of Article III standing doctrine and on the D.C. Circuit's opinion, I believed that the facts, as alleged in the Amended Complaint, conferred Article III standing on Mr. Rider.

10. Subsequent to the filing of the Amended Complaint, I met and spoke with Tom Rider. While I do not recall the precise date when I first met with, or spoke to, Mr. Rider, I recall that I normally spoke with him when he visited the law firm to discuss matters related to the ESA case and I also spoke with him by phone numerous times about the ESA case.

11. My dealings with Mr. Rider over a period of time provided me with an independent basis on which to form my own impressions. From my interactions with Mr. Rider, I concluded that the factual allegations in the Amended Complaint regarding his strong emotional attachment to the elephants were accurate. Those interactions also provided me with the basis to form an independent conclusion that Mr. Rider suffered aesthetic and emotional injury based on his emotional attachment to the elephants and I genuinely believed that he had the requisite standing to bring and maintain the ESA case. I was impressed that he was so affected by the mistreatment of elephants at Ringling Brothers that he was motivated to take action and make a difference.

12. Nothing that I witnessed during the years that I worked on the ESA case led me to believe that the case was brought or continued for an improper purpose. I never engaged in conduct that I understood to be improper or intended to deceive or mislead the Court.

13. While I knew about Mr. Rider's efforts to attract media attention to the mistreatment of elephants in the Ringling Brothers Circus and to the ESA case, I did not work with Mr. Rider to develop a strategy for his public advocacy efforts or prepare him for any media appearances. However, I watched several of Mr. Rider's television appearances and read many of the print articles in which he was quoted and formed the impression that he was an effective advocate.

14. I was not directly involved in, nor did I make any decisions concerning, any funding provided to Mr. Rider. During my work on the ESA case, I came to learn that Mr. Rider had been provided with funding and continued to be provided with funding. It was my understanding that the funds were intended to provide Mr. Rider with financial assistance that was reasonably necessary to sustain his basic needs while he pursued his media outreach efforts, including educating the public about the ESA case. At no time did I believe that this funding was paid to

Mr. Rider to induce him to make false statements in the ESA case or for any other improper purpose.

15. I was directly involved in drafting discovery responses for the organizational plaintiffs. I never had any intention to mislead the defendant or the Court as to the sources or amounts of Mr. Rider's funding. I regularly conferred with my colleagues at MGC and with the organizational plaintiffs and never heard or saw anything that led me to suspect that they had a different intent.

16. I did not draft the objections and interrogatory responses for Mr. Rider but I reviewed them before they were served on defendant. In its motion, defendant takes issue with Mr. Rider's response and objections to Interrogatory 24. I believed, in good faith, that his response was reasonable: Mr. Rider offered to produce the sources and amount of his funding, which is what the defendant asked for, subject to a protective order (an offer which MGC lawyers repeated to defense counsel), but declined to accept defendant's characterization of the funding as "compensation for services."

17. Defendant did not respond to MGC's multiple offers to negotiate a protective order. Instead, it moved to compel production of documents relating to the sources and amount of funding for Mr. Rider. On August 23, 2007, the Court ordered Mr. Rider to produce, "[a]ll responsive documents and information concerning his income and payments from other animal advocates and animal advocacy organizations, except that Rider may redact the names of individual donors or organizations unless they are parties to this litigation, attorneys for any of the parties, or employees or officers of any of the plaintiff organizations or WAP [Wildlife Advocacy Project]" and ordered the organizational plaintiffs to produce "[a]ll responsive documents and information concerning payments to Tom Rider, regardless of whether such payments were made directly to him or indirectly through other means such as WAP, except that

plaintiffs may redact the names of individual donors or organizations unless they are parties to this litigation, attorneys for any of the parties, or employees or officers of any of the plaintiff organizations or WAP." Along with others, I made a conscientious and diligent effort to search for and produce all documents called for by this order. Defendant was not satisfied with the productions and moved to enforce the Court's order and to hold the plaintiffs in contempt for failing to comply with the order.

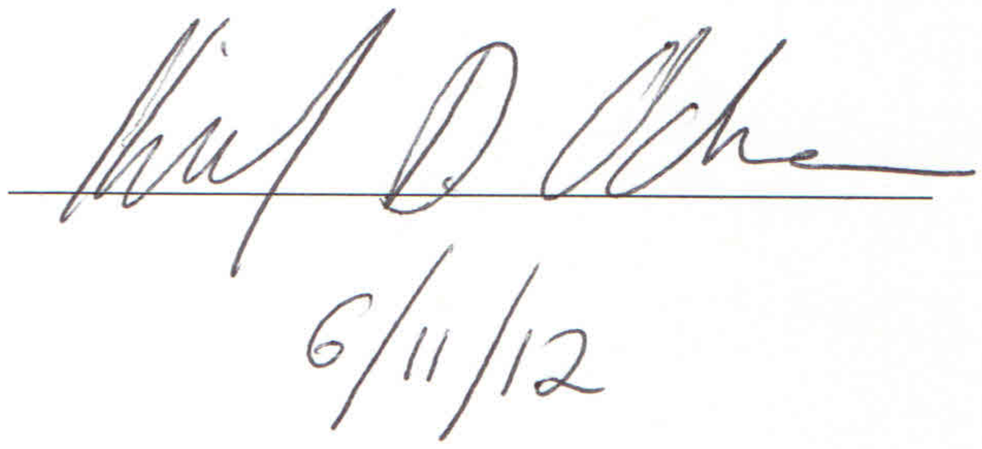
18. After a three day evidentiary hearing on defendant's motions and review of the parties' submissions, Magistrate Judge Facciola concluded that defendant's motions "are both without merit and no further action should be taken." Memorandum and Order dated October 16, 2008 at 1. In its memorandum opinion, the Court reviewed the efforts made by plaintiffs to locate responsive documents, including plaintiffs' testimony, and "conclude[d] that [plaintiffs] did make a diligent search and fully complied with the obligations Judge Sullivan imposed." Memorandum at 10-11.

19. I left MGC at the end of 2008 to join HSUS as an in-house attorney. I remained counsel of record in the ESA case at the direction of my supervisor so that I could monitor the proceedings on behalf of FFA, one of HSUS's affiliated organizations, that was a plaintiff in the ESA case. Although I continued to be notified of developments and consulted on strategic decisions primarily as they pertained to FFA, I no longer participated in day-to-day litigation of the case. I did not sign any pleadings after I left MGC and, to the best of my knowledge, my name did not appear on any pleadings filed after I left MGC. I did not participate in the trial.

20. I never filed any pleading or memorandum in the ESA case nor did I engage in any conduct to delay or multiply the proceedings or to mislead the Court or defendant. When I signed a pleading, I did so with the good faith belief that it was consistent with all ethical and legal requirements, the Federal Rules of Civil Procedure and the applicable rules of the Court,

was part of a reasonable and appropriate litigation strategy, and presented meritorious arguments with appropriate factual and legal foundations.

Pursuant to 28 U.S.C. § 1746, I swear that the foregoing is true and accurate to the best of my knowledge.



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