

EXHIBIT K

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

DECLARATION OF DELCIANNA J. WINDERS

1. I have shared the final version of this declaration with the plaintiffs, through their counsel, and they have confirmed that there is nothing in this declaration that should be construed as a waiver of any privilege and that, therefore, there is no reason why this declaration cannot be filed on the public record.

2. Unless indicated otherwise, I make this declaration based on my own personal knowledge. I am an attorney and I graduated from the New York University School of Law (“NYU Law School”) in 2006. I submit this declaration in opposition to the motion by Feld Entertainment Inc. (“FEI”) for an order holding me jointly and severally liable for an award of fees or sanctions in excess of \$20 million. There is no basis to hold me liable for any such award. As shown below, I was not even arguably involved in the alleged conduct that is at the core of FEI’s motion. I became involved in this litigation only many years after it was commenced and played a minor role at trial (performing tasks typically performed by a junior associate, which is what I was at the time).

3. As noted above, I graduated from NYU Law School in 2006. While at NYU, I was the senior notes editor for the NYU Law Review and awarded the Vanderbilt Medal for outstanding contributions to the Law School. I also was the president of NYU's Student Animal Legal Defense Fund. I then served as a law clerk to the Honorable Martha Craig Daughtrey, a judge of the U.S. Court of Appeals for the Sixth Circuit, from 2006 - 2007. After my clerkship I took a position as a law fellow at Meyer Glitzenstein & Crystal ("MGC"). I worked for MGC for just under a year and a half, from October 15, 2007, to April 1, 2009, first as a law fellow and then as an associate. (I also worked as a law clerk for MGC during the summer after my second year of law school, from June 2005 to August 2005). I left MGC to take a position as the director of legal campaigns for Farm Sanctuary. When I left MGC I filed a consent motion to withdraw my appearance from this case, which the Court granted. I worked for Farm Sanctuary from April 2009 to March 2010. I currently serve as the director of captive animal law enforcement for the PETA Foundation. I have worked for PETA or the PETA Foundation since April 12, 2010. In addition, since January 2010 I have taught a class in Animal Law at Tulane University Law School and the Loyola New Orleans College of Law. In addition to my advocacy and academic work, I am a vice chair of the American Bar Association's Animal Law Committee.

4. I am admitted to practice law in California and the District of Columbia, as well as before the U.S. Court of Appeals for the Sixth Circuit, and the U.S. District Courts for the District of Columbia and the Central District of California. I have never been involved in any proceeding concerning sanctions or allegations of professional misconduct. Nor, it follows, have I ever been sanctioned by any court.

5. At the time I joined MGC as a law fellow this litigation had already been pending for more than seven years. Before I joined MGC, FEI had alleged in a separate lawsuit against plaintiffs in this matter as well as the Wildlife Advocacy Project that these entities and MGC had “been providing funding to [plaintiff Tom] Rider for his participation as a plaintiff and key fact witness” in this case—*i.e.*, essentially the same allegations that FEI makes in this motion. On information and belief, FEI was aware of funding plaintiffs provided to Rider years before I joined MGC.

6. While at MGC I worked on a number of litigation and regulatory matters under the supervision of the firm’s partners. One of the cases I worked on was this one. I became involved in this case in approximately December 2007, at the tail end of fact discovery, when Ms. Meyer invited me to attend a deposition of one of the defendant’s employees. (During my summer clerkship at the firm in 2005 I also worked on discrete research projects related to this case in addition to many other projects.) I subsequently attended another deposition (also of one of the defendant’s employees) and did some work on the case, primarily discrete research projects, most of them related to evidentiary issues. Other than observing these depositions, I did not participate in discovery. I never prepared or signed any discovery responses and I had no involvement in any of the depositions addressed in this Court’s final ruling.

7. I entered an appearance in this case on July 14, 2008. I was a member of the trial team when this case went to trial in February 2009. My primary role was to handle evidentiary matters. This included filing notices of exhibits that MCG had decided we would seek to introduce each day and uploading exhibits to the Electronic Case Filing system each night. I also conducted a single direct examination – of Michelle Sinnott,

who at the time was MGC's paralegal. She testified solely to explain summary evidence that she prepared pursuant to Federal Rule of Evidence 1006. As MGC's paralegal, and based on evidence produced by the defendant and the defendant's testimony, Ms. Sinnott prepared a chart summarizing the length of time the elephants used by the defendant were chained for each trip over the course of several years.

8. I have met Mr. Rider on approximately two occasions, both in passing while this litigation was pending and while he was at the offices of MGC to meet with Ms. Meyer. I have never spoken or otherwise communicated with Mr. Rider outside of these brief encounters, which did not entail any substantive discussions. None of the tasks assigned to me in this case involved interacting with Mr. Rider.

9. I never had any reason to believe that Mr. Rider did not care about the elephants with whom he worked while employed by FEI. Nor did I ever have any reason to believe that Ms. Meyer, co-counsel, or plaintiffs ever doubted Mr. Rider's sincere attachment to and emotional connection with these elephants.

10. I have never been involved with any payments of any type to Mr. Rider. While employed by MGC I became aware that plaintiffs had provided funding to Mr. Rider when the defendant raised this issue in various contexts. I do not believe that plaintiffs, their counsel, or anyone else ever paid Mr. Rider to be a plaintiff in this case or to lie in any way. I know that I certainly never did any such thing.

11. Based on my understanding of the facts and the law, I have always believed this case to be a legitimate effort to remedy violations of the Endangered Species Act. I have never filed anything or taken any other action in an effort to delay or multiply the proceedings in this case.

12. Given my limited role in this case as a new attorney who became involved years after the case was filed, I respectfully submit that holding me liable for fees would be inappropriate and fundamentally unfair. *Cf. Blue v. Dep't of the Army*, 914 F.2d 525, 545-46 (4th Cir. 1990) (reversing sanctions imposed on young attorney because “to place blame” on an associate who was only eighteen months out of law school and six months out of a judicial clerkship when entering the case “near the end of discovery, who was merely following the directions of a senior partner in charge of the case . . . is an unrealistic and unjust result. . . . [W]e are unwilling to see the career of a young attorney compromised at its inception . . .”).

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



Delcianna J. Winders

June 8, 2012