

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**ANIMAL WELFARE INSTITUTE, et al.,** )

**Plaintiffs,** )

**v.** )

**FELD ENTERTAINMENT, INC.,** )

**Defendant.** )

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**Case No: 03-2006 (EGS/JMF)**

**DEFENDANT FELD ENTERTAINMENT, INC.'S PETITION FOR  
ATTORNEYS' AND EXPERT WITNESS FEES**

**JOHN SIMPSON DECLARATION**

**EXHIBIT 35**

**(JS, Ex. 35)**

MIKE KEELE

322 N.W. CHADIN DRIVE, PORTLAND, OREGON, USA 97229-8033

15 December 2007

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

**RECEIVED**  
DEC 20 2007  
FULBRIGHT & JAWORSKI LLP

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - December 2007:

1 December – Review documents:	2.5 hrs	312.50
14 December – phone with Joiner	.5 hrs	62.50
Total	3.0 hrs	375.00

Please advise me should you require additional information.

Sincerely,



Mike Keele

MIKE KEELE

.....  
3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033

15 January 2008

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 15 December 2007 through 15 January 2008:

18 Dec. 2007	Review DVD (Nov. 13, 2007)	2.25 hrs	281.25
22 Dec. 2007	Review DVD (Nov. 13, 2007)	1.0 hrs	125.00
23 Dec. 2007	Review DVD (Nov. 13, 2007)	1.0 hrs	125.00
27 Dec. 2007	Review Endangered Species Act	1.25 hrs	156.25
30 Dec. 2007	Review DVD (start 1 of 3)	2.0 hrs	250.00
31 Dec. 2007	Review DVD (finish 1, 2 & 3 of 3)	5.0 hrs	625.00
3 Jan. 2008	Phone with Joiner	0.25 hrs	31.25
Total			1593.75

Please advise me should you require additional information.

Sincerely,



Mike Keele

MIKE KEELE

3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033

RECEIVED

FEB 22 2008

FULBRIGHT & JAWORSKI LLP

17 February 2008

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 16 January through 16 February 2008:

16 Jan.	Review email attachment, left message for Joiner	.5 hrs	62.50
5 Feb.	Phone with Joiner	.5 hrs	62.50
7 Feb.	Phone with Joiner	.25 hrs	31.25
11 Feb.	Review and copy studbook files for 7 elephants	.25 hrs	31.25
15 Feb.	Review extranet materials	.25 hrs	31.25
16 Feb.	Review extranet materials	2.75 hrs	343.75
Total		4.5 hrs	562.50

Please advise me should you require additional information.

Sincerely,



Mike Keele

**MIKE KEELE**

3827 N.W. CHADEN DRIVE, PORTLAND, OREGON, USA 97229-3033

15 March 2008

Lisa Zeiler Joiner  
 Attorney at Law  
 Fulbright & Jaworski L.L.P.  
 801 Pennsylvania Avenue, N.W.  
 Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 17 February through 15 March 2008:

17 Feb.	Review Extranet – 60 Minutes	.25 hrs	31.25
1 Mar.	Airfare – Norfolk/Orlando/Portland		299.49
1 Mar.	Taxi to Ohare, Chicago		37.85
1 Mar.	Travel to Norfolk	6.0 hrs.	750.00
2 Mar.	Inspection of Karen & Nicole – Show	5.5 hrs.	687.50
2 Mar.	Travel to Orlando	7.5 hrs.	937.50
3 Mar.	CEC Inspection 5 elephants	2.5 hrs.	312.50
4 Mar.	Travel to Portland (delay in Denver)	13.5 hrs	1687.50
	<b>Total</b>		<b>4743.59</b>

Receipts for travel are enclosed. Please advise me should you require additional information.

Sincerely,



Mike Keele

enclosures: Travel receipts

MIKE KEELE

.....  
3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033

18 April 2008

**RECEIVED**

APR 22 2008

FULBRIGHT & JAWORSKI LLP

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 16 March through 15 April 2008:

24 Mar.	Phone with Joiner	.5 hrs	62.50
26 Mar.	Review Kinzley disclosure	1.0 hrs.	125.00
3 Apr.	Review Clubb disclosure	1.0 hrs.	125.00
4 Apr.	Review Hart & Buckley disclosures	1.5 hrs.	187.50
9 Apr.	Phone with Joiner & Simpson	.5 hrs.	62.50
14 Apr.	Complete review of Buckley disclosure	.5 hrs.	62.50
14 Apr.	Review Laule, Desai, & Poole disclosures	4.5 hrs.	562.50
14 Apr.	Begin review of Ensley disclosure	1.5 hrs	187.50
	<b>Total</b>	<b>11 hrs</b>	<b>1375.00</b>

Please advise me should you require additional information.

Sincerely,



Mike Keele

*MIKE KEELE*

3007 N.W. 107th Drive, Portland, Oregon, USA 97229-8003

19 May 2008

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 16 April through 15 May 2008:

17 Apr.	Review Ensley disclosure	1.0 hrs	125.00
21 Apr.	Phone with Joiner and Simpson	1.25 hrs.	156.25
25 Apr.	Review Jacobsen deposition/begin report	4.75 hrs.	593.75
9 May	Phone with Joiner & Simpson – prepare report	2.25 hrs.	281.25
10 May	Prepare report	2.0 hrs.	250.00
11 May	Prepare report	4.0 hrs.	500.00
14 May	Phone Joiner, materials list	1.5 hrs.	187.50
15 May	Submit partial report	1.0 hrs	125.00
	Total	17.75 hrs	2218.75

Please advise me should you require additional information.

Sincerely,



Mike Keele

**MIKE KEELE**

.....  
3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033

16 June 2008

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 16 May through 15 June 2008:

18 May	Prepare report	3.0 hrs	375.00
19 May	Prepare report	7.0 hrs.	875.00
20 May	Phone with Joiner	0.5 hrs.	62.50
22 May	Review plaintiff's motion	0.75 hrs.	93.75
24 May	Prepare report	9.25 hrs.	1156.25
26 May	Prepare report	3.0 hrs.	375.00
4 Jun.	Phone Joiner and Shay	1.0 hrs.	125.00
6 Jun.	Submit partial report	8.5 hrs	1062.50
15 Jun.	Edit report	3.25 hrs.	406.25
Total		36.25 hrs	4531.25

Please advise me should you require additional information.

Sincerely,



Mike Keele



MIKE KEELE

3327 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033

19 July 2008

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 16 June through 14 July 2008:

20 Jun.	Phone with Joiner	0.25 hrs	31.25
21 Jun.	Report amendments	0.75 hrs.	93.75
22 Jun.	Report amendments	1.75 hrs.	218.75
24 Jun.	Report amendments	1.0 hrs.	125.00
25 Jun.	Phone w/ Shea & Fritz/send report to Simpson	1.75 hrs.	218.75
11 Jul.	Phone Joiner and Simpson	0.75 hrs.	93.75
12 Jul.	Compile and send images to Joiner	0.5 hrs.	62.50
13 Jul.	Review report and Extranet materials	2.25 hrs	281.25
<b>Total</b>		<b>9.0 hrs</b>	<b>1125.00</b>

Please advise me should you require additional information.

Sincerely,



Mike Keele

**MIKE KEELE**

5127 N.W. Madison Drive, Portland, Oregon, USA 97229-5088

16 August 2008

Lisa Zeiler Joiner  
 Attorney at Law  
 Fulbright & Jaworski L.L.P.  
 801 Pennsylvania Avenue, N.W.  
 Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 15 July through 16 August 2008:

15 Jul.	Deposition travel to D.C.	9.5 hrs.	1187.50
15 Jul.	Air travel		765.00
15 Jul.	Taxi to hotel		15.25
15 Jul.	Meal		7.63
16 Jul.	Deposition preparation	8.0 hrs.	1000.00
16 Jul.	Meal		6.59
17 Jul.	Deposed by Plaintiff @ \$350/hr.	7.0 hrs.	2450.00
17 Jul.	Deposition debrief with Joiner/Shea/Simpson	1.25 hrs.	156.25
18 Jul.	Deposition travel: return to Portland	10.0 hrs.	1250.00
18 Jul.	Hotel & two meals		1787.50
18 Jul.	Taxi to airport		15.00
18 Jul.	Airport parking		31.51
29 Jul.	Phone with Joiner and Shea	0.25 hrs.	31.25
1 Aug.	Phone with Shea	1.25 hrs.	156.25
4 Aug.	Phone with Joiner	0.25 hrs.	31.25
5 Aug.	Review Keele deposition transcript	1.5 hrs.	187.50
7 Aug.	Review Keele deposition transcript	0.75 hrs.	93.75
16 Aug.	Complete review Keele deposition transcript and errata sheet emailed to Joiner	1.25 hrs.	156.25
Expense Total			2628.48
Hours Total	@ \$125.00/hour	34.0 hrs.	4250.00
Hours Total	@ \$350.00/hour (Plaintiff rate)	7.0 hrs.	2450.00

Total

9328.48

(2450.00)

6878.48

Please advise me should you require additional information.

Sincerely,



Mike Keele

attachments

*MIKE KEELE*

.....  
*3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033*

16 August 2008

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Fees for deposition in the above referenced suit requested by plaintiff's attorneys on 17 July 2008.

17 Jul.	Deposed by Plaintiff @ \$350/hr.	7.0 hrs.	2450.00
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Please advise me should you require additional information.

Sincerely,



Mike Keele

*MIKE KEELE*

.....  
*3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033*

20 January 2009

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 15 December 2008 through 15 January 2009:

23 Dec.	Review depositions (Buckley/Kinzley)	3.5 hrs	437.50
3 Jan.	Review depositions (Kinzley)	1.0 hrs.	125.00
4 Jan.	Review depositions (Kinzley/Laule)	2.0 hrs.	250.00
7 Jan.	Review depositions (Laule/Poole)	5.25 hrs.	656.25
9 Jan.	Review depositions (Clubb)	3.0 hrs.	375.00
13 Jan.	Phone with Joiner	.75 hrs.	93.75
15 Jan.	Review depositions (Ensley)	1.5 hrs.	187.50
Total		17 hrs	2125.00

Please advise me should you require additional information.

Sincerely,



Mike Keele

*MIKE KEELE*

.....  
*3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033*

17 February 2009

Lisa Zeiler Joiner  
Attorney at Law  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 16 January 2009 through 15 February 2009:

16 Jan.	Phone with Joiner	2.0 hrs	250.00
21 Jan.	Phone with Joiner	1.25 hrs.	156.25
24 Jan.	Continue review deposition (Ensley)	1.5 hrs.	187.50
25 Jan.	Complete review deposition (Ensley)	1.0 hrs.	125.00
27 Jan.	Review Elephant Husbandry Resource Guide	1.0 hrs.	125.00
9 Feb.	Document review	1.25 hrs.	156.25
10 Feb.	Exhibits review	1.0 hrs.	125.00
15 Feb.	Review Keele Declaration, report, materials	3.0 hrs.	375.00
	Total	12.0 hrs.	1500.00

Please advise me should you require additional information.

Sincerely,



Mike Keele

**MIKE KEELE**

.....  
 3627 N.W. Chapin Drive, Portland, Oregon, USA 97229-8033

20 March 2009

Lisa Zeiler Joiner  
 Attorney at Law  
 Fulbright & Jaworski L.L.P.  
 801 Pennsylvania Avenue, N.W.  
 Washington, D.C. 2004-2615

Re: ASPCA, et al. v. Feld Entertainment, Inc.

Dear Ms. Joiner:

Expenses for expert assistance and advice in the above referenced suit - 16 February through 15 March 2009:

Hourly

22 Feb.	Review Keele deposition	2.25 hrs.	281.25
8 Mar.	Travel - Court testimony	10.5 hrs.	1312.50
9 Mar.	Review materials	3.5 hrs.	437.50
9 Mar.	Review materials with Joiner	5.5 hrs.	687.50
10 Mar.	Trial preparation	13.25 hrs.	1656.25
11 Mar.	Trial preparation	9.5 hrs.	1187.50
12 Mar.	Trial preparation and testimony	9.75 hrs.	1218.75
13 Mar.	Travel	11.5 hrs.	1437.50
<b>Hours Total</b>		<b>65.75 hrs</b>	<b>8218.75</b>

Expenses

1 Mar.	Airfare	776.90
8 Mar.	Taxi to hotel	98.90
8 Mar.	Dinner	47.22
9 Mar.	Lunch	17.14
10 Mar.	Airfare ticket change fee	150.00
12 Mar.	Dinner	36.51
13 Mar.	Hotel	2255.65
13 Mar.	Taxi to BWI	99.00
13 Mar.	Airport parking	52.54

**Expense Total** **3533.86**

**Total Hours = \$8218.75 Expenses = \$3533.86** **11752.61**

Please advise me should you require additional information.

Sincerely,



Mike Keele

attachments