

IN THE 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.

Case No. 03-2006 (EGS)
JUDGE: Emmet G. Sullivan

DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR ADMISSION, INTERROGATORIES,
AND REQUESTS FOR DOCUMENTS

Defendants Feld Entertainment, Inc. ("Feld") and Ringling Bros. and Barnum & Bailey Circus ("Ringling") hereby respond to the First Set of Requests for Admission, Interrogatories, and Requests for Documents served March 30, 2004 by plaintiffs American Society for the Prevention of Cruelty to Animals ("ASPCA"), the Animal Welfare Institute ("AWI"), the Fund for Animals ("FFA"), and Tom Rider.

GENERAL RESPONSES

The following general responses are made with respect to plaintiffs' request for admission, document requests, and interrogatories:

1. Defendants are conducting a reasonable search for documents responsive to the document requests as stated herein. Subject to the general and specific objections that follow, such documents will be made available upon request for inspection and copying at the offices of Covington & Burling in Washington, D.C. or at such other place on which the parties may agree, subject to agreement as to payment of duplication costs (including, in the case of computer tapes,

public relations, records that relate to or concern the amount of money spent on such advertising and public relations, planning concerning where and when to disseminate such advertising and public relations efforts, documents that relate to or concern surveys, questionnaires, focus groups, and other efforts to ascertain how to advertize, publicize, or educate the public about the circus, and documents and records that relate to or concern efforts to counter negative publicity generated by animal rights and animal welfare organizations.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7. Produce all records that set forth Ringling's policies or practices with respect to handling, training, controlling, or disciplining elephants.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is vague and ambiguous as to "controlling" or "disciplining." Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

8. With respect to each of the elephants identified in response to Interrogatory No. 8, produce all medical records that pertain to the animal.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is vague and ambiguous as to "medical records that pertain to the animal." Subject to and without waiving these general and specific objections, defendants will produce responsive, non-privileged documents dated January 1, 1996, or later.

9. Produce all records that concern the amount of money that Ringling has spent on the conservation of habitat in the wild for Asian elephants for each year, from 1994 to the present.

Response: Defendants object to this document request on the grounds of the General Objections and on the further grounds that it is overbroad, vague and ambiguous as to the "wild," unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.