

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. 1:03-cv-02006 (EGS/JMF)

DX 1

**EXHIBIT 1
TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Regulatory Status Of Asian Elephants Currently Owned By Feld Entertainment, Inc. – Summary

Elephant	Regulatory Status	Location
Alana	Pre-Act	CEC
Angelica	CBW	CEC
Aree	CBW	CEC
Asha	CBW	CEC
Asia	Pre-Act	Red Unit
Assan	Pre-Act	Red Unit
Baby	Pre-Act	Red Unit
Bananna	Pre-Act	Red Unit
Banko	Pre-Act	Red Unit
Bonnie	CBW	Blue Unit
Calcutta I	Pre-Act	Williston
Casey	Pre-Act	On loan to Ft. Worth Zoo
Charlie	Pre-Act	CEC
Cora	Pre-Act and CBW	Williston
Doc "Fish"	CBW	CEC
Emma	Pre-Act	CEC
Gunther	CBW	CEC
Icky II	Pre-Act	CEC
India	Pre-Act	Williston
Irvin	CBW	CEC
Jewell	Pre-Act	CEC
Josky	Pre-Act	CEC
Juliette	CBW	Blue Unit
Karen	Pre-Act	Blue Unit
Kelly Ann	CBW	Blue Unit
Louie	Pre-Act	CEC
Luna	CBW	Red Unit
Lutzi	Pre-Act	CEC
Mable	CBW	CEC
Mala	Pre-Act	CEC
Minyak	Pre-Act	Blue Unit

Elephant	Regulatory Status	Location
Mysore	Pre-Act	CEC
Nicole	Pre-Act	Blue Unit
Osgood "Ozzy"	CBW	CEC
P.T.	CBW	CEC
Prince Tusk	CBW	Williston
Putzi	Pre-Act	Williston
Rajah	Pre-Act	CEC
Romeo	CBW	CEC
Rudy	CBW	CEC
Sabu (a/k/a Zabú)	CBW	Williston
Sally	Pre-Act	CEC
Sara	CBW	Blue Unit
Sarah	Pre-Act	Red Unit
Shirley	CBW	CEC
Siam I	Pre-Act	Williston
Siam II	Pre-Act	Red Unit
Sid	Pre-Act	CEC
Susan	Pre-Act	CEC
Toby	Pre-Act	Red Unit
Tonka	CBW	Red Unit
Tova	Pre-Act	CEC
Vance	Pre-Act	CEC
Zina	Pre-Act	CEC

Elephant Totals

Location	Pre-Act	CBW	Pre-Act and CBW	Total
Red Unit	8	2	0	10
Blue Unit	3	4	0	7
CEC	17	12	0	29
Williston	4	2	1	7
Fort Worth Zoo	1	0	0	1
Total	33	20	1	54

Regulatory Status of Asian Elephants Currently Owned By Feld Entertainment, Inc. -- Detail¹

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Alana (F)	1976 Myanmar	1980 Timber Corporation, Myanmar, through H. Ruhe, West Germany	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 23 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 198 with DOB of 1976. DX 6 (p. 46). Source, DOB and date of acquisition by FEI set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). This elephant was bred in captivity in Myanmar (formerly Burma) and is one of a group of six (6) elephants acquired by FEI in 1980 from the Timber Corporation, a government-controlled logging company in Myanmar (formerly Burma). DX 5 (FELD 0005516-18); Jacobson Decl. ¶ 23 (DX 2). The transaction was facilitated by Hermann Ruhe of Alfeld, West Germany. <i>Id.</i> The Timber Corporation utilized Asian elephants in logging activities. <i>Id.</i> Its primary business was not the buying and selling of animals. <i>Id.</i>

¹ The following abbreviations are used herein: “APHIS” = Animal and Plant Health Inspection Service, U.S. Department of Agriculture. “CBW” = captive-bred wildlife. “CEC” = Ringling Bros. and Barnum & Bailey Center for Elephant Conservation, Polk County, Florida. “DOB” = date of birth. “DX” = an exhibit submitted with defendant FEI’s motion for summary judgment. “FEI” = Feld Entertainment, Inc. “FWS” = U. S. Fish and Wildlife Service, U.S. Department of the Interior. “Jacobson Decl.” = Declaration of Gary Jacobson (DX 2). “Metzler Dep.” = Deposition of Troy J. Metzler (7-25-06) (DX 14). “USDA” = U.S. Department of Agriculture. “Williston” = Two Tails Ranch, Williston, Florida.

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Angelica (F)	6-23-97 United States (CEC)	1997 Born to FEI	CEC	This elephant was at least four years old at the time of acquisition by FEI and was held by the Timber Corporation on June 14, 1976. <i>Id.</i> The acquisition of this elephant by FEI was in accordance with Federal Fish and Wildlife Permit No. PRT 2-6874 issued by FWS pursuant to 50 C.F.R. § 17.22, effective as of 10-15-80, "for enhancement of propagation and survival." DX 5 (FELD 0005513). Notice of application for a the permit was published in the Federal Register on August 18 and 21, 1980, 45 Fed. Reg. 54871 & 55826 (Aug. 18 & 21, 1980).
				CBW Jacobson Decl. ¶¶ 6, 11, 40 (DX 2). This elephant is listed in the Asian Elephant North American Regional Studbook (4-30-05 edition) as Studbook # 421. DX 6 (p. 67. History indicates born on 6-23-97 to "Venice BB" (FEI). <i>Id.</i> Sire was # 502 (Charlie) and dam was # 199 (Icky II). <i>Id.</i> CEC animal census dated 1-6-99 and "new male info" sheet list Angelica as having been born at the CEC; sire was Charlie; dam was Icky II. DX 5 (FELD 0020121-22). Affidavit of Gary Jacobson, dated 8-9-02, states that this elephant was born in captivity at the CEC on 6-23-97; mother was Iki II; father was

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Charlie. DX 5 (FELD 0005381).
Aree	4-21-05 United States CEC	2005 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 6, 11, 44 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 633. DX 6 (p. 107). History indicates elephant was born to sire # 502 (Charlie) and dam # 254 (Mala). <i>Id.</i> APHIS Form 7020, news release and related communication document DOB, place of birth, sire and dam. DX 5 (FEI 1173-74, 1403).
Asha (F)	3-5-02 United States CEC	2002 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 6, 11, 43 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 540. DX 6 (p. 79). History indicates born on 3-5-02 to "Venice BB." (FEI). <i>Id.</i> Sire was # 502 (Charlie) and dam was # 198 (Alana) <i>Id.</i> DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). Listed on USDA APHIS Form 7020 dated 3-5-02 as newborn; sire was Charlie; dam was Alana. DX 5 (FELD 0019438). Note dated March 5, 2002 by William A. Lindsay documents the same

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Asia (F)	1968 Asia	1990 Bobby Moore Performing Elephants, New Baltimore, Michigan	Red Unit	information. DX 5 (FELD 0019437). Pre-Act Jacobson Decl. ¶¶ 6, 9, 26 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 415. DX 6 (p. 67). History indicates the following holders: “New Balt” (Bobby Moore Performing Elephants, New Baltimore Michigan) and “Venice BB” (FEI). Bobby Moore Performing Elephants exhibited Asian elephants in performances and elephant rides. Jacobson Decl. ¶ 26 (DX 2); Metzler Dep. at 30-31, 43-44, 52 (DX 14). DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). The acquisition of this elephant by FEI was in accordance with an agreement, DX 7 (pp. 7-12), and Federal Fish and Wildlife Permit No. PRT-749009 issued by FWS pursuant to 50 C.F.R. § 17.22, effective 7-18-90, “for captive breeding and display purposes . . . to enhance the propagation or survival,” DX 5 (FELD 0004994-95). Notice of application for a permit for the Moore transaction was published in the Federal Register on May 29, 1990, 55 Fed. Reg. 21796-97. Was described as request to

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				purchase two male and eight female Asian elephants “for captive-breeding and display purposes.” This elephant was listed as “Pre-Convention” on CITES “Other Certificates” issued by FWS to Robert B. Moore on 1-26-89 and 2-9-88, respectively, DX 7 (p. 3); DX 5 (FELD 0005415), and as “Pre-Convention” on CITES Re-export Certificate issued by FWS to FEI on 10-20-94, DX 5 (FELD 0005566-68). This elephant’s original house name was “Daisy.” Decl. ¶ 26 (DX 2). Prior to its acquisition by Bobby Moore Performing Elephants this elephant was held by Joyce and/or Alfred Vidbel, of Windham, New York, who operated under the name, Vidbel Brothers Circus. <i>Id.</i> The Vidbels were exhibitors of Asian elephants in circus performances. <i>Id.</i> Moore acquired this elephant from the Vidbels in accordance with Federal Fish and Wildlife Permit No. PRT-709866 issued by FWS to Moore, effective 9-3-86, “for the purposes of conservation, education and possible breeding.” DX 7 (p. 6). This elephant was listed or certified as “Pre-Convention” on CITES permit and “Other Certificate” issued on 7-1-86 and 12-1-81 by FWS to Alfred or Joyce Vidbel. DX 7 (pp. 1 & 5).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Assan (F)	1957 Asia	1968 Circus Williams, West Germany	Red Unit	Pre-Act Jacobson Decl. ¶¶ 6, 9, 16 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook (4-30-05 edition)</u> as Studbook # 120 (under name "Assan"). DX 6 (p. 39). History indicates acquired by "Venice BB" (FEI) in 1968 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was listed as "Pre-Convention" on CITES Re-export Certificate issued by FWS to FEI on 10-20-94. DX 5 (FELD 0005566-68).
Baby (F)	1961 Asia	1968 Circus Williams, West Germany	Red Unit	Pre-Act Jacobson Decl. ¶¶ 6, 9, 16 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook (4-30-05 edition)</u> as Studbook # 117. DX 6 (p. 39). History indicates acquired by "Venice BB" (FEI) in 1968 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was listed as "Pre-Convention" on CITES Re-export Certificate issued by FWS to FEI on 10-20-94. DX 5 (FELD 0005566-68).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Bananna (F)	1957 Asia	1968 Circus Williams, West Germany	Red Unit	Pre-Act Jacobson Decl. ¶¶ 6, 9, 16 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 119. DX 6 (p. 39). History indicates acquired by "Venice BB" (FEI) in 1968 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was listed as "Pre-Convention" on CITES Re-export Certificate issued by FWS to FEI on 10-20-94. DX 5 (FELD 0005566-68).
Banko (F)	1976 Myanmar	1980 Timber Corporation, Myanmar, through H. Ruhe, West Germany	Red Unit	Pre-Act Jacobson Decl. ¶¶ 6, 9, 23 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 115 with DOB of 1976. DX 6 (p. 39). DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was bred in captivity in Myanmar (formerly Burma) and is one of a group of six (6) elephants acquired by FEI in 1980 from the Timber Corporation, a government-controlled logging company in Myanmar (formerly Burma). DX 5 (FELD

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				0005516-18); Jacobson Decl. ¶ 23 (DX 2). The transaction was facilitated by Hermann Ruhe of Alfeld, West Germany. <i>Id.</i> The Timber Corporation utilized Asian elephants in logging activities. <i>Id.</i> Its primary business was not the buying and selling of animals. <i>Id.</i> This elephant was at least four years old at the time of acquisition by FEI and was held by the Timber Corporation on June 14, 1976. <i>Id.</i> The acquisition of this elephant by FEI was in accordance with Federal Fish and Wildlife Permit No. PRT 2-6874 issued by FWS pursuant to 50 C.F.R. § 17.22, effective as of 10-15-80, "for enhancement of propagation and survival." DX 5 (FELD 0005513). Notice of application for a the permit was published in the Federal Register on August 18 and 21, 1980, 45 Fed. Reg. 54871 & 55826 (Aug. 18 & 21, 1980).
Bonnie (F)	10-29-94 United States Busch Gardens Tampa, Florida	1994 Born to FEI	Blue Unit	CBW Jacobson Decl. ¶¶ 6, 10, 37 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 380. DX 6 (p. 64). Sire was # 240 (Vance) and dam was # 251 (Sid). <i>Id.</i> DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Certificate dated 3-27-95 by Roman Schmitt states this elephant was born in captivity under his supervision on the referenced date and confirms that it is the property of FEL. DX 5 (FELD 0005598). Affidavit of Gary Jacobson dated 5-16-01 states that this elephant was born in captivity at Busch Gardens, Tampa, Florida (to Sid and Vance) on 10-29-94. DX 5 (FELD 0005185). Same information provided in affidavit of Jim Williams dated 3-11-01 DX 5 (FELD 0005186).
Calcutta I (F)	1946 India	1986 Buckeye Circus Corporation (Tony Diano), Canton, Ohio	Williston	Pre-Act Jacobson Decl. ¶¶ 6, 12, 24 (DX 2). This elephant is listed in the Asian Elephant North American Regional Studbook (4-30-05 edition) as Studbook # 186. DX 6 (p. 45). History indicates that the only holder between 1973 and acquisition by FEL was “Diano BR,” <i>i.e.</i>, Diano Brothers Circus, which was a trade name of Anthony Diano who also did business as Buckeye Circus Corporation. <i>Id.</i>; Jacobson Decl. ¶ 24 (DX 2). Prior to Diano, this elephant was held by Dailey Brothers Circus. <i>Id.</i> DOB, source and acquisition date appear on Williston Animal Census. DX 5 (FELD 0006281). FEL acquired this elephant pursuant to a letter agreement dated 4-23-86,

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				DX 5 (FELD 0005247-49), and pursuant to Federal Fish and Wildlife Permit No. PRT-707241, issued by FWS pursuant to 50 C.F.R. § 17.22 “for the purpose of enhancement of propagation,” DX 5 (FELD 0005250). This elephant was listed as “Pre-Convention” on CITES “Other Certificate” issued by FWS to FEI on 7-29-86. DX 5 (FELD 0005242-43).
Casey (M)	1972 No record	1989 Roman P. Schmitt, Inc. Tampa, Florida	On loan to Fort Worth Zoological Park, Fort Worth, Texas	Pre-Act Jacobson Decl. ¶¶ 7, 13, 25 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 503. DX 6 (p. 76). This elephant was acquired by Lion Country Safari, West Palm Beach, Florida, in 1973. Jacobson Decl. ¶ 25. Lion Country Safari was an exhibitor of Asian elephants. <i>Id.</i> Studbook history indicates that holders prior to 1989 were Carson and Barnes Circus, Hugo Oklahoma, “Have Trunk Will Travel” (Gary Johnson), Perris, California, “Trunks & Humps” (Bill Swain), Conroe, Texas, and Busch Gardens, Tampa, Florida. DX 6 (p. 76). DOB set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). FEI acquired this elephant in 1989 in an intrastate transaction with Roman P. Schmitt, Inc., of Tampa, Florida. DX 5 (FELD 0005084-86).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Roman Schmitt was both a performer and exhibitor of Asian elephants. Jacobson Decl. ¶ 18.
Charlie (M)	1973 Thailand	1974 Rex Williams, Miyaka City, Florida	CEC	Pre-Act Jacobson Decl. ¶¶ 7, 11, 20 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 502. DX 6 (p. 76). History indicates acquired by "Venice BB" (FEI) from Rex Williams in 1974. <i>Id.</i> Acquisition from Williams was within the State of Florida. Jacobson Decl. ¶ 20 (DX 2). DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70).
Cora (F)	1963 United States Oregon Zoo Portland, Oregon	1968 Chicago Zoological Park Brookfield, Illinois	Williston	Pre-Act and CBW Jacobson Decl. ¶¶ 6, 12, 16, 31 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 52. DX 6 (p. 32). History indicates born in captivity on 12-3-65 at the Oregon Zoo, Portland, Oregon; acquired by the Chicago Zoological Park, Brookfield, Illinois, on 5-31-66; and acquired by "Venice BB" (FEI) on 10-23-68. <i>Id.</i> Sire was # 39 (Thonglaw) and dam was # 40 (Rosy). <i>Id.</i> DOB, source and acquisition date

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				appear on Williston Animal Census. DX 5 (FELD 0006281).
Doc "Fish" (a/k/a "Codfish") (M)	5-8-97 United States CEC	1997 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 7, 11, 40 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 420. DX 6 (p. 67). History indicates born on 5-8-97 to "Venice BB" (FEI); sire was # 502 (Charlie) and dam was # 198 (Alana). <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Affidavit of Gary Jacobson, dated 8-9-02, states that this elephant was born in captivity at the CEC on 5-8-97; mother was Alana; father was Charlie. DX 5 (FELD 0005381).
Emma (F)	1972 Asia	1990 Bobby Moore Performing Elephants, New Baltimore, Michigan	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 29 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 423. DX 6 (p. 68). History indicates acquired by Bobby Moore Performing Elephants, New Baltimore, Michigan, on an unstated date prior to 1991 and acquired by "Venice BB" (FEI) in 1991. <i>Id.</i> Bobby Moore Performing Elephants

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				exhibited Asian elephants in performances and elephant rides. Jacobson Decl. ¶ 26 (DX 2); Metzler Dep. at 30-31, 43-44, 52 (DX 19). Source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). This elephant was acquired by FEI from Bobby Moore's Performing Elephants in accordance with an agreement, DX 7 (pp. 7-12), and Federal Fish and Wildlife Permit No. PRT 749009 issued by FWS pursuant to 50 C.F.R. § 17.22 to "for captive breeding and display purposes . . . to enhance the propagation or survival," DX 5 (FELD 0004994-95). Notice of application for a permit for the Moore transaction was published in the Federal Register on May 29, 1990, 55 Fed. Reg. 21796-97. Was described as request to purchase two male and eight female Asian elephants "for captive-breeding and display purposes." This elephant was listed as "Pre-Convention" in CITES "Other Certificates" issued by FWS to Robert B. Moore on 1-26-89 and 2-22-88, respectively. DX 7 (p. 4); DX 5 (FELD 0005135). According to verified statement of William V. A. Denmler, Executive Director of the Toledo Zoo dated 6-6-82, this elephant was held in the Toledo Zoo on 12-28-73 "for Exhibition and was not held for actual or intended

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				transfer for gain or profit.” DX 7 (p. 16). This elephant’s original house name was “Wally” DX 7 (p. 17). ISIS Inventory Data Sheet and Toledo Zoo Individual Specimen Record indicate that this animal was transferred by the Toledo Zoo on 6-28-82 to the International Animal Exchange (IAE”) in exchange for two African elephants. DX 7 (p. 17). Among other activities, IAE exhibited Asian elephants and exhibited this elephant. Jacobson Decl. ¶ 29 (DX 2); DX 7 (p. 19). This elephant was exhibited at African Lion Safari and gave rides. DX 7 (p. 19). This elephant was transferred from IAE to Bobby Moore on 9-13-85 who, at that time, held Captive-Bred Wildlife Permit # PRT-696033. DX 7 (pp. 20-21).
Gunther (M)	11-18-01 United States CEC	2001 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 7, 11, 42 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 537. DX 6 (p. 79). History indicates born on 11-18-01 to “Venice BB” (FEI); sire was # 502 (Charlie) and dam was # 254 (Mala) <i>Id.</i> Note by William A. Lindsey and information sheet document that this elephant was born at the CEC on 11-18-01 to mother Mala and father

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Charlie. DX 5 (FELD 0006939-40). Affidavit of Gary Jacobson dated 5-13-04 states that this elephant was born in captivity at the CEC on 11-18-01. DX 5 (FELD 005139).
Icky II (a/k/a Iki) (F)	1976 Myanmar	1980 Timber Corporation, Myanmar, through H. Ruhe, West Germany	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 23 (DX 2). This elephant is listed in the Asian Elephant North American Regional Studbook (4-30-05 edition) as Studbook # 199 (under the name "Iki II"). DX 6 (p. 46). Source and date of acquisition by FEI set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). This elephant was bred in captivity in Myanmar (formerly Burma) and is one of a group of six (6) elephants acquired by FEI in 1980 from the Timber Corporation, a government-controlled logging company in Myanmar (formerly Burma). DX 5 (FELD 0005516-18); Jacobson Decl. ¶ 23 (DX 2). The transaction was facilitated by Hermann Ruhe of Alfeld, West Germany. <i>Id.</i> The Timber Corporation utilized Asian elephants in logging activities. <i>Id.</i> Its primary business was not the buying and selling of animals. <i>Id.</i> This elephant was at least four years old at the time of acquisition by FEI and was held by the Timber Corporation on June 14, 1976. <i>Id.</i>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				The acquisition of this elephant by FEI was in accordance with Federal Fish and Wildlife Permit No. PRT 2-6874, issued by FWS pursuant to 50 C.F.R. § 17.22, effective as of 10-15-80, "for enhancement of propagation and survival." DX 5 (FELD 0005513). Notice of application for a the permit was published in the Federal Register on August 18 and 21, 1980, 45 Fed. Reg. 54871 & 55826 (Aug. 18 & 21, 1980).
India (F)	1951 India	1954 No record	Williston	Pre-Act Jacobson Decl. ¶¶ 6, 12, 14 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 188. DX 6 (p. 46). History indicates that elephant was acquired by "Venice BB" (FEI) in 1954 with no other holder since then. <i>Id.</i> DOB, source and acquisition date appear on Williston Animal Census. DX 5 (FELD 0006281). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with FEI since at least 1972, and has been with FEI since then through the date of the affidavit in 1995. DX 5 (FELD 0005176).
Irvin (M)	6-1-05 United States	2005	CEC	CBW Jacobson Decl. ¶¶ 7, 11, 44 (DX 2). Note by

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
	CEC	Born to FEI		Ellen Wiedner dated June 1, 2005 states that this elephant was born on 6-1-05 at CEC and that the dam was Alana and sire was Charlie. DX 5 (FELD 0019436). APHIS Form 7020 documents DOB, place of birth, sire and dam. DX 5 (FEI 1230).
Jewell (F)	1951 India	1954 No record	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 14 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 187. DX 6 (p. 45). History indicates that elephant was acquired by "Venice BB" (FEI) in 1954 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. DX 5 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. DX 5 (FELD 0005176). This elephant was listed as "Pre-Act" and "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				2-28-97. DX 5 (FELD 0005535-37). This elephant was listed as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 6-25-99. DX 5 (FELD 0005526-28).
Josky (F)	1967 Asia	1972 William Smart Circus England	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 18 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 252. DX 6 (p. 52). History indicates acquired by William Smart Circus on an unstated date prior to 1972; acquired by "Venice BB" (FEI) in 1972; acquired by Roman Schmitt, Tampa, Florida, on 9-14-83; acquired by Columbus Zoological Gardens, Powell, Ohio, on 4-26-92; acquired by Busch Gardens, Tampa, Florida, on 9-11-92; acquired by Roman Schmitt on 7-2-95; and transferred to "Venice BB" (FEI) on 7-3-95. <i>Id.</i> DOB and source set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). In 1982, this elephant was transferred to Circus World, Inc., Orlando, Florida, which was an exhibitor of Asian elephants in circus performances. DX 5 (FELD 0005181-82); Jacobson Decl. ¶ 18 (DX 2). This elephant was transferred from Roman Schmitt to FEI in 1995 and sold by the Estate of Roman Schmitt to FEI in 2003 in

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				an intrastate transaction within the State of Florida. DX 5 (FELD 005595-97).
Juliette (F)	12-30-92 United States Williston	1992 Born to FEI	Blue Unit	CBW Jacobson Decl. ¶¶ 6, 10, 35 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 342. DX 6 (p. 61). History indicates born to "Venice BB" on 12-30-92 to sire # 97 and dam # 199 (Icki II). <i>Id.</i> <u>Asian Elephant North American Regional Studbook</u> (12-31-00 edition) indicates that Studbook # 97 is an Asian elephant named Petely, who died in June 1992. DX 7 (p. 30). DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). Affidavit of Gary Jacobson dated 5-16-01 states that this elephant was born in captivity at Williston (to Icki II and Pete) on 12-30-92. DX 5 (FELD 0005185). Same information provided in affidavit of Jim Williams dated 3-11-01. DX 5 (FELD 0005186).
Karen (F)	1969 Thailand	1969 Trefflich, New York	Blue Unit	Pre-Act Jacobson Decl. ¶¶ 6, 10, 17 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 195. DX 6 (p. 46).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				History indicates acquired by "Venice BB" (FEI) on 10-10-69. <i>Id.</i> DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. DX 5 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. DX 5 (FELD 0005176). This elephant was listed as "Pre-Act" and "Pre-Convention" on the following "Other Certificates" issued by FWS to FEI on the respectively indicated dates: (i) on 10-30-02 DX 5 (FELD 0005199) and (ii) on 2-28-97 DX 5 (FELD 0005535-37). This elephant was listed as "Pre-Convention" on the "Other Certificate" issued by FWS to FEI on 6-25-99. DX 5 (FELD 0005526-28).
Kelly Ann (F)	1-1-96 United States CEC	1996 Born to FEI	Blue Unit	CBW Jacobson Decl. ¶¶ 6, 10, 39 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 379. DX 6 (p. 64). History indicates born on 1-1-96 to Roman

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Schmitt, Tampa, Florida and acquired by "Venice BB" in 1997. <i>Id.</i> Sire was # 240 (Vance) and dam was # 249 (Sally). <i>Id.</i> DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). Affidavit of Gary Jacobson dated 5-16-01 (FELD 0005185) states that this elephant was born in captivity at the CEC (to Sally and Vance) on 1-1-96. DX 5 (FELD 0005185).
Louie (F)	1966 Asia	1975 George Matthews Great London Circus	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 21 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 411. DX 6 (p. 67). History indicates acquired by "Venice BB" (FEI) in 1975. <i>Id.</i> DOB and source set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). This elephant was acquired by FEI in 1975 from Sid Kellner who did business as the George Matthews Great London Circus. Jacobson Decl. ¶ 21 (DX 2). The George Matthews Great London Circus was an exhibitor of Asian elephants in circus performances. <i>Id.</i> Elephant was held by Circus World, Inc., at points prior to 1995 but has been owned by FEI from 1975 through the present. <i>Id.</i>

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Luna (F)	1984 United States Circus World Orlando, Florida	1990 Bobby Moore Performing Elephants New Baltimore, Michigan	Red Unit	CBW Jacobson Decl. ¶¶ 6, 9, 33 (DX 2); DX 7 (p. 27). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 259. DX 6 (p. 52). History indicates born in 1984 to Roman Schmitt, Tampa, Florida; acquired by Bobby Moore Performing Elephants, New Baltimore, Michigan, on 12-2-85; and acquired by "Venice BB" (FEI) in 1989 or 1990. <i>Id.</i> Sire was listed as "mult" (multiple; source unknown) and dam was # 252 (Josky). <i>Id.</i> DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). FEI acquired this elephant in accordance with an agreement, DX 7 (pp. 7-12), and Federal Fish and Wildlife Permit No. 749009, issued by FWS pursuant to 50 C.F.R. § 17.22, effective as of 7-18-90, "for captive breeding and display purposes . . . to enhance the propagation or survival," DX 5 (FELD 0004994). Notice of application for a permit for the Moore transaction was published in the Federal Register on May 29, 1990, 55 Fed. Reg. 21796-97. Was described as request to purchase two male and eight female Asian elephants "for captive-breeding and display purposes." This elephant was listed on a

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				CITES Import Permit and Re-Export Certificate issued by FWS to Robert Moore on 1-23-89 with a DOB of 1-1-84 and "U.S.A." as the "Country of Origin." DX 7 (p. 2).
Lutzi (F)	1950 India	1954 No record	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 14 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 182. DX 6 (p. 45). History indicates that this elephant was acquired by FEI in 1954 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. DX 5 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. DX 5 (FELD 0005176). This elephant was listed as "Pre-Act" as well as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 2-28-97. DX 5 (FELD 0005535-37).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				This elephant was listed as "Pre-Convention on CITES "Other Certificates" issued by FWS to FEI on 6-25-99 and 10-30-02. DX 5 (FELD 005268, 0005526-28).
Mable	4-6-06 United States CEC	2006 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 6, 11, 45 (DX 2). Also referred to at times as "Burma." Born to Vance and Shirley. Note describing birth procedure documents DOB, sire and dam. DX 5 (FEI 38095-96).
Mala (F)	1967 Asia	1972 Busch Gardens, Tampa, Florida	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 18 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 254. DX 6 (p. 52). History indicates acquired by William Smart Circus on an unstated date prior to 1967; acquired by Busch Gardens, Tampa, Florida, in 1967; acquired by "Venice BB" (FEI) in 1972; transferred to Circus World, Orlando, Florida, on an unstated date after 1972 but before 9-14-84; acquired by Roman Schmitt, Tampa, Florida, on 9-14-84; and transferred to "Venice BB" (FEI) on 9-15-84. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). In 1982, this elephant was

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				transferred to Circus World, Inc., Orlando, Florida, which was an exhibitor of Asian elephants in circus performances. DX 5 (FELD 0005181-82); Jacobson Decl. ¶ 18 (DX 2). This elephant was transferred from Roman Schmitt to FEI in 1995 and sold by the Estate of Roman Schmitt to FEI in 2003 in an intrastate transaction within the State of Florida. DX 5 (FELD 005595-97).
Minyak (F)	1967 Asia	1972 Busch Gardens, Tampa, Florida	Blue Unit	Pre-Act Jacobson Decl. ¶¶ 6, 10, 18 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 255. DX 6 (p. 52). History indicates acquired by William Smart Circus on an unstated date prior to 1967; acquired by Busch Gardens, Tampa, Florida, in 1967; acquired by "Venice BB" (FEI) in 1972; acquired by Circus World, Orlando, Florida, at unstated date after 1972 and before 9-14-84; acquired by Roman Schmitt, Tampa, Florida, on 9-14-84; and transferred to "Venice BB" (FEI) on 9-15-84. <i>Id.</i> DOB, and source set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). Affidavit of Gary Jacobson dated 5-16-01 states that this elephant was born in 1967 and was imported into the U.S. from England in

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				1972. DX 5 (FELD 0005185). Affidavit of Julie Strauss dated 6-11-01 states that this elephant was born in 1967 and was imported by FEI into the U.S. in 1972 from Europe. DX 5 (FELD 0005322). In 1982, this elephant was transferred to Circus World, Inc., Orlando, Florida, which was an exhibitor of Asian elephants in circus performances. DX 5 (FELD 0005181-82); Jacobson Decl. ¶ 18 (DX 2). This elephant was transferred from Roman Schmitt to FEI in 1995 and sold by the Estate of Roman Schmitt to FEI in 2003 in an intrastate transaction within the State of Florida. DX 5 (FELD 005595-97). Elephant was listed as "Pre-Convention" on CITES "Other Certificate" issued by FWS on 10-30-02 to FEI. DX 5 (FELD 0005321).
Mysore (F)	1946 Asia	1986 Buckeye Circus Corporation (Tony Diano), Canton, Ohio	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 24 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 416. DX 6 (p. 67). History indicates that the only holder between 1973 and acquisition by FEI was "Diano BR," i.e., Diano Brothers Circus, which was a trade name of Anthony Diano who also did business as Buckeye Circus Corporation. <i>Id.</i>; Jacobson Decl. ¶ 24 (DX 2). Prior to Diano,

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				this elephant was held by Dailey Brothers Circus. <i>Id.</i> Source is set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). FEI acquired this elephant pursuant to a letter agreement dated 4-23-86, DX 5 (FELD 0005247-49), and pursuant to Federal Fish and Wildlife Permit No. 707241, issued by FWS pursuant to 50 C.F.R. § 17.22 “for the purpose of enhancement of propagation,” DX 5 (FELD 0005250). This elephant was listed as “Pre-Convention” on CITES “Other Certificates” issued by FWS to FEI on 11-25-02, 6-25-99, 2-28-97 and 7-29-86. DX 5 (FELD 005242-43, 0005526-28, 0005328, 0005535-37).
Nicole (F)	1975 Myanmar	1980 Timber Corporation, Myanmar, through H. Ruhe, West Germany	Blue Unit	Pre-Act Jacobson Decl. ¶¶ 6, 10, 23 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 196 (as “Nichole). DX 6 (p. 46). Source, DOB and date of acquisition set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). This elephant was bred in captivity in Myanmar (formerly Burma) and is one of a group of six (6) elephants acquired by FEI in 1980 from the Timber Corporation, a government-controlled logging company in

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Myanmar (formerly Burma). DX 5 (FELD 0005516-18); Jacobson Decl. ¶ 23 (DX 2). The transaction was facilitated by Hermann Ruhe of Alfeld, West Germany. <i>Id.</i> The Timber Corporation utilized Asian elephants in logging activities. <i>Id.</i> Its primary business was not the buying and selling of animals. <i>Id.</i> This elephant was at least four years old at the time of acquisition by FEI and was held by the Timber Corporation on June 14, 1976. <i>Id.</i> The acquisition of this elephant by FEI was in accordance with Federal Fish and Wildlife Permit No. PRT 2-6874, issued by FWS pursuant to 50 C.F.R. § 17.22, effective as of 10-15-80, "for enhancement of propagation and survival." DX 5 (FELD 0005513). Notice of application for the permit was published in the Federal Register on August 18 and 21, 1980, 45 Fed. Reg. 54871 & 55826 (Aug. 18 & 21, 1980). Affidavit of Jerome S. Sowalsky dated 9-30-00 states that this elephant was born in 1976 and was imported by FEI into the U.S. in 1980 pursuant to an agreement with Hermann Ruhe and that the transaction was "subject of Endangered Species Act PRT 2-6874." DX 5 (FELD 0005354).
Osgood	8-16-99	1999	CEC	CBW

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
"Ozzy" (M)	United States CEC	Born to FEI		Jacobson Decl. ¶¶ 7, 11, 41 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 526. DX 6 (p. 78). History indicates born on 8-16-99 to "Venice BB" (FEI). <i>Id.</i> Sire was # 502 (Charlie) and dam was # 423 (Emma). <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Note dated 8-23-99 by William A. Lindsay states that this elephant was born on 8-16-99 at the CEC to Emma. DX 5 (FELD 0005382). Affidavit of Gary Jacobson, dated 8-9-02, states that this elephant was born in captivity at the CEC on 8-16-99; mother was Emma; father was Charlie. DX 5 (FELD 0005381).
P.T. (M)	5-21-02 United States CEC	2002 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 7, 11, 43 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 546. DX 6 (p. 79). History indicates born on 5-21-02 to "Venice BB" (FEI). <i>Id.</i> Sire was # 502 (Charlie) and dam was # 252 (Josky). <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). APHIS Forms 7020 record live birth at

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				CEC on 5-21-02; mother was Josky; father was Charlie. DX 5 (FELD 0005397-98).
Prince Tusk (N/M)	5-24-87 United States Oregon Zoo Portland, Oregon	1988 Oregon Zoo Portland, Oregon	Williston	CBW Jacobson Decl. ¶¶ 7, 12, 34 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 72. DX 6 (p. 34). History indicates born at the Oregon Zoo, Portland, Oregon, and transferred to "Venice BB" (FEI) on 9-18-98. <i>Id.</i> Sire and dam were Hugo and Me Tu. <i>Id.</i> DOB, source and acquisition date appear on Williston Animal Census. DX 5 (FELD 0006281).
Putzi (F)	1962 India	1964 No record	Williston	Pre-Act Jacobson Decl. ¶¶ 6, 12, 15 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 192. DX 6 (p. 46). History indicates that FEI acquired the elephant in 1964 and is the first and only listed holder. <i>Id.</i> DOB, source and acquisition date appear on Williston Animal Census. DX 5 (FELD 0006281). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. DX 5 (FELD

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				0005427). Listed as "Pre-Act" as well as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 2-28-97. DX 5 (FELD 0005535-37).
Rajah (M)	1970 Thailand	1990 Bobby Moore Performing Elephants, New Baltimore, Michigan	CEC	Pre-Act Jacobson Decl. ¶¶ 7, 11, 27 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Update Studbook</u> (4-30-05 edition) as Studbook # 504. DX 6 (p. 76). History indicates that elephant was acquired by Bobby Moore Performing Elephants, New Baltimore, Michigan, on an unknown date prior to 1991 and acquired by "Venice BB" (FEI) in or about 1991. <i>Id.</i> Bobby Moore Performing Elephants exhibited Asian elephants in performances and elephant rides. Jacobson Decl. ¶ 26; Metzler Dep. at 30-31, 43-44, 52 (DX 14). DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Prior to the holding by Bobby Moore, this elephant was held by Lyle Wesley Rice of Sarasota, Florida, who was an elephant trainer and circus performer. Jacobson Decl. ¶ 27 (DX 2). Permit application by Robert Moore dated 2-1-88 indicates that Moore acquired this elephant from Rice in 1988 for breeding, exhibition and educational purposes. DX 7

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				(pp. 21-24). This elephant was acquired by Moore from Rice in a trade for an African elephant. Metzler Dep. at 49 (DX 14). This elephant was acquired by FEI in 1990 from Bobby Moore Performing Elephants, New Baltimore, Michigan, in accordance with an agreement, DX 7 (pp. 7-12), and Federal Fish and Wildlife Permit No. PRT 749009, issued by FWS to FEI pursuant to 10 C.F.R. § 17.22, effective as of 7-18-90, "for captive breeding and display purposes . . . to enhance the propagation or survival," DX 5 (FELD 0004994-95). Notice of application for a permit for the transaction was published in the Federal Register on May 29, 1990, 55 Fed. Reg. 21796-97, and was described as request to purchase two male and eight female Asian elephants "for captive-breeding and display purposes." This elephant was listed as "Pre-Convention" with date of import of "Sept. 1972" on CITES "Other Certificates" issued by FWS to Robert Moore on 1-26-89 and 4-4-88. DX 7 (p. 3); DX 5 (FELD 0005406).
Romeo (M)	1-10-93 United States Williston	1993 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 7, 11, 36 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook (4-30-05 edition)</u> as Studbook # 343. DX 6 (p. 61).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				History indicates born to "Venice BB" (FEI) on 1-10-93 to sire # 97 (Petely) and dam # 198 (Alana). <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Press release dated 1-14-93 states that the birth was at the Ringling Bros. and Barnum & Bailey Elephant Farm. DX 5 (FELD 0005451).
Rudy (F)	1-29-02 United States CEC	2002 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 6, 11, 43 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 539. DX 6 (p. 79). History indicates born on 1-29-02 to "Venice BB" (FEI). <i>Id.</i> Sire was # 502 (Charlie) and dam was # 249 (Sally). <i>Id.</i> DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). APHIS Form 7020 dated 1-19-02 indicates elephant was born to FEI and that the mother was Sally and the father was Charlie. DX 5 (FELD 0005455).
Sabu (a/k/a Zabu) (M)	10-01-82 United States Portland Zoo Portland, Oregon	1984 Oregon Zoo Portland, Oregon	Williston	CBW Jacobson Decl. ¶¶ 7, 12, 32 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 69. DX 6 (p. 34).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				History indicates born on 10-1-82 at Oregon Zoo, Portland, Oregon, and transferred to "Venice BB" (FEI) on 8-11-84. <i>Id.</i> DOB, source and acquisition date appear on Williston Animal Census. DX 5 (FELD 0006281).
Sally (F)	1967 Asia	1978 Roman Schmitt Tampa, Florida	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 30 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) Studbook # 249. DX 6 (p. 51). History indicates that elephant was acquired by Busch Gardens, Tampa, Florida, in 1974; Roman Schmitt, Tampa, Florida, in September 1978; and transferred to "Venice BB" (FEI) in October 1978. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Elephant was transferred from Roman Schmitt to FEI in 1995 and ultimately purchased by FEI from the Estate of Roman Schmitt in 2003. DX 5 (FELD 0005595-97).
Sara (F)	4-16-01 United States CEC	2001 Born to FEI	Blue Unit	CBW Jacobson Decl. ¶¶ 6, 10, 42 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 534. DX 6 (p. 78).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				History indicates born on 4-16-01 to "Venice BB" (FEI). <i>Id.</i> Sire was # 502 (Charlie) and dam was # 199 (Icki II). <i>Id.</i> DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). APHIS Form 7020, William A. Lindsay note dated 4-16-01 and information sheet document DOB of this elephant at the CEC; mother was Icky II; father was Charlie. DX 5 (FELD 0007646, 0019566-67).
Sarah (F)	1957 Asia	1968 Circus Williams, West Germany	Red Unit	Pre-Act Jacobson Decl. ¶¶ 6, 9, 16 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 118. DX 6 (p. 39). History indicates acquired by "Venice BB" (FEI) in 1968 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was listed as "Pre-Convention" on CITES Re-export Certificate issued by FWS to FEI on 10-20-94. DX 5 (FELD 0005566-68).
Shirley (F)	2-19-95 United States Busch Gardens	1995 Born to FEI	CEC	CBW Jacobson Decl. ¶¶ 6, 11, 38 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
	Tampa, Florida			edition) as Studbook # 382. DX 6 (p. 64). History indicates born on 2-19-95 to Roman Schmitt, Tampa, Florida, and acquired by "Venice BB" (FEI) in 1996. <i>Id.</i> Sire was # 240 (Vance) and dam was # 254 (Mala). <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Certificate dated 3-27-95 by Roman Schmitt states this elephant was born in captivity under his supervision on the referenced date and confirms that it is the property of FEI. DX 5 (FELD 0005598). Affidavit of Jim Williams dated 6-30-02, states that this elephant was born in captivity at Busch Gardens, Tampa, Florida, on 2-19-95 to mother Mala and father Vance. (FELD 0005487). DOB, sire and dam also recorded on APHIS Form 7020 dated 2-19-95. DX 5 (FELD 0005493).
Siam I (F)	1950 India	1954 No record	Williston	Pre-Act Jacobson Decl. ¶¶ 6, 12, 14 (DX 2). This elephant is listed in the Asian Elephant North American Regional Studbook (4-30-05 edition) as Studbook # 181. DX 6 (p. 45). History indicates that this elephant was acquired by FEI in 1954 with no other holder since then. <i>Id.</i> DOB, source and acquisition date appear on Williston Animal Census. DX

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Siam II (F)	1976 Myanmar	1978 Timber Corporation, Myanmar, through H. Ruhe, West Germany	Red Unit	5 (FELD 0006281). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. DX 5 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. DX 5 (FELD 0005176). This elephant was listed as "Pre-Act" as well as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 2-28-97. DX 5 (FELD 0005535-37).
				Pre-Act Jacobson Decl. ¶¶ 6, 9, 23 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 107. DX 6 (p. 38). Source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was bred in captivity in Myanmar (formerly Burma) and is one of a group of six (6) elephants acquired by FEI in 1980 from the Timber Corporation, a government-controlled logging company in Myanmar (formerly Burma). DX 5 (FELD 0005516-18); Jacobson Decl. ¶ 23 (DX 2).

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				The transaction was facilitated by Hermann Ruhe of Alfeld, West Germany. <i>Id.</i> The Timber Corporation utilized Asian elephants in logging activities. <i>Id.</i> Its primary business was not the buying and selling of animals. <i>Id.</i> This elephant was at least four years old at the time of acquisition by FEI and was held by the Timber Corporation on June 14, 1976. <i>Id.</i> The acquisition of this elephant by FEI was in accordance with Federal Fish and Wildlife Permit No. PRT 2-6874, issued by FWS pursuant to 50 C.F.R. § 17.22, effective as of 10-15-80, "for enhancement of propagation and survival." DX 5 (FELD 0005513). Notice of application for a the permit was published in the Federal Register on August 18 and 21, 1980, 45 Fed. Reg. 54871 & 55826 (Aug. 18 & 21, 1980).
Sid (F)	1967 Asia	1975 George Matthews Great London Circus	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 21 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 251. DX 6 (p. 51). History indicates acquired by Busch Gardens, Tampa, Florida, in 1964; acquired by Roman Schmitt, Tampa, Florida, in 1983 or 1984 and acquired by "Venice BB" (FEI) in 1984. DOB and source set forth on CEC Animal

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Census (1-17-05). DX 5 (FELD 0006269-70). This elephant was acquired by FEI in 1975 from Sid Kellner who did business as the George Matthews Great London Circus. Jacobson Decl. ¶ 21 (DX 2). The George Matthews Great London Circus was an exhibitor of Asian elephants in circus performances. <i>Id.</i> In 1982, this elephant was transferred to Circus World, Inc., Orlando, Florida, which was an exhibitor of Asian elephants in circus performances. DX 5 (FELD 0005181-82); Jacobson Decl. ¶ 18 (DX 2). This elephant was transferred from Roman Schmitt to FEI in 1995 and sold by the Estate of Roman Schmitt to FEI in 2003 in an intrastate transaction within the State of Florida. DX 5 (FELD 005595-97).
Susan (F)	1951 India	1954 No record	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 14 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) Studbook # 184 (under the name "Susan"). DX 6 (p. 45). History indicates that this elephant was acquired by FEI in 1954 with no other holder since then. <i>Id.</i> DOB, source and date of acquisition set forth on Blue Unit Animal Census (2-9-05). DX 5 (FELD 0006254). Affidavit of Tim J. Holst

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. DX 5 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. DX 5 (FELD 0005176). This elephant was listed as "Pre-Act" as well as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI on 2-28-97. DX 5 (FELD 0005535-37). This elephant was listed as "Pre-Convention on CITES "Other Certificate" issued by FWS to FEI on 6-25-99. DX 5 (FELD 0005526-28).
Toby (F)	1961 Asia	1972 John Herriott Baraboo, Wisconsin	Red Unit	Pre-Act Jacobson Decl. ¶¶ 6, 9, 16 (DX 2). This elephant is listed in the Asian Elephant North American Regional Studbook (4-30-05 edition) as Studbook # 116. DX 6 (p. 39). History indicates this elephant was acquired by "Venice BB" (FEI) in approximately 1972. <i>Id.</i> DOB, and source (J. Herriott) set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was listed as "Pre-Convention" on CITES Re-export Certificate issued by FWS to FEI on 10-20-

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
Tonka (F)	1983 United States Circus World Orlando, Florida	1990 Bobby Moore Performing Elephants, New Baltimore, MI	Red Unit	94. DX 5 (FELD 0005566-68). CBW Jacobson Decl. ¶¶ 6, 9, 33 (DX 2). DX 7 (p. 27). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 256. DX 6 (p. 52). History indicates elephant was born at Circus World, Orlando, Florida, on 8-23-83; acquired by Roman Schmitt, Tampa, Florida, on 9-14-84; acquired by Bobby Moore Performing Elephants, New Baltimore, Michigan, on 12-2-85; and acquired by "Venice BB" (FEI) in 1989 or 1990. <i>Id.</i> Sire listed as "mult" (multiple; true source not known) dam was # 251 (Sid). <i>Id.</i> Source and date of acquisition set forth on Red Unit Animal Census (1-31-05). DX 5 (FELD 0006259). This elephant was acquired by FEI from Bobby Moore's Performing Elephants in accordance with an agreement, DX 7 (pp. 7-12), and Federal Fish and Wildlife Permit No. 749009, issued by FWS to FEI pursuant to 10 C.F.R. § 17.22, effective as of 7-18-90, "for captive breeding and display purposes . . . to enhance the propagation or survival," DX 5 (FELD 0004994-95). Notice of application for a permit for the Moore transaction was published in the Federal Register on May 29,

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				1990, 55 Fed. Reg. 21796-97 and was described as request to purchase two male and eight female Asian elephants "for captive-breeding and display purposes." This elephant was listed on a CITES Import Permit and Re-Export Certificate issued by FWS to Robert Moore on 1-23-89 with a DOB of 8-2-83 and "U.S.A." as the "Country of Origin." DX 7 (p. 2).
Tova (F)	1969 Asia	1990 Bobby Moore Performing Elephants New Baltimore, Michigan	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 28 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 413. DX 6 (p. 67). History indicates acquired by Bobby Moore Performing Elephants, New Baltimore, Michigan, on an unknown date prior to 1990 and acquired by "Venice BB" (FEI) in 1990. <i>Id.</i> Bobby Moore Performing Elephants exhibited Asian elephants in performances and elephant rides. Jacobson Decl. ¶ 26; Metzler Dep. at 30-31, 43-44, 52 (DX 14). DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05) (FELD 0006269-70). This elephant was acquired by FEI from Bobby Moore's Performing Elephants in accordance with an agreement, DX 7 (pp. 7-12), and Federal Fish and

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				Wildlife Permit No. PRT 749009, issued by FWS to FEI pursuant to 10 C.F.R. § 17.22, effective as of 7-18-90, "for captive breeding and display purposes . . . to enhance the propagation or survival," DX 5 (FELD 0004994-95). Notice of application for a permit for the Moore transaction was published in the Federal Register on May 29, 1990, 55 Fed. Reg. 21796-97 and was described as request to purchase two male and eight female Asian elephants "for captive-breeding and display purposes." Prior to being held by Bobby Moore Performing Elephants, this elephant was held by an Southwick Animal Park, Mendon, Massachusetts, and the Miami Metrozoo, Miami, Florida. Jacobson Decl. ¶ 28 (DX 2).
Vance (M)	1967 Asia	1975 Roman Schmitt Tampa, Florida	CEC	Pre-Act Jacobson Decl. ¶¶ 7, 11, 22 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 240. DX 6 (p. 50). History indicates acquired by Busch Gardens, Tampa, Florida, in 1963; acquired by "Venice BB" (FEI) and Circus World, Orlando, Florida, on unstated dates between 1963 and 9-14-84; acquired by Roman Schmitt, Tampa, Florida, on 9-14-84; and transferred to

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				“Venice BB” (FEI) on 9-15-84. <i>Id.</i> DOB and source set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). This elephant was acquired by FEI in 1975 from Lion Country Safari, West Palm Beach, Florida. Jacobson Decl. ¶ 22 (DX 2). The elephant was transferred to Roman Schmitt and back to FEI in 1995 and ultimately sold by the Estate of Roman Schmitt to FEI in 2003 in an intrastate transaction within the State of Florida. DX 5 (FELD 0005595-96).
Zina (F)	1961 Asia	1972 William Smart Circus England	CEC	Pre-Act Jacobson Decl. ¶¶ 6, 11, 19 (DX 2). This elephant is listed in the <u>Asian Elephant North American Regional Studbook</u> (4-30-05 edition) as Studbook # 419. DX 6 (p. 67). History indicates that the elephant was acquired by William Smart Circus on an unstated date prior to 1972 and acquired by “Venice BB” (FEI) in 1972. <i>Id.</i> DOB, source and date of acquisition set forth on CEC Animal Census (1-17-05). DX 5 (FELD 0006269-70). Affidavit of Tim J. Holst dated 11-14-96 states that the elephant was part of the Blue Unit from as early as 1972, continuously through the date of the affidavit in 1996. DX 5 (FELD 0005427). Affidavit of Donna Gautier dated 1-16-95 states that the

Elephant House Name (Gender)	Date and Place of Birth	Acquisition Date and Source	Current Location	Regulatory Status and Evidence Thereof
				elephant has performed with Ringling since at least 1972, and has been with Ringling since then through the date of the affidavit in 1995. DX 5 (FELD 0005176). This elephant was listed as "Pre-Act" as well as "Pre-Convention" on CITES "Other Certificate" issued by FWS to FEI 2-28-97. DX 5 (FELD 0005535-37). This elephant was listed as "Pre-Convention" on CITES "Other Certificates" issued by FWS to FEI on 6-25-99 and 10-30-02. DX 5 (FELD 0005526-28, 0005599).