

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. )

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Case No. 1:03-cv-02006 (EGS/JMF)

**DX 12**

**EXHIBIT 12  
TO  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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AMERICAN SOCIETY FOR THE :

PREVENTION OF CRUELTY TO :

ANIMALS, et al., :

Plaintiffs, :

V. : Case No. 03-2006 (EGS)

RINGLING BROS. AND BARNUM & :

BAILEY CIRCUS, et al., :

Defendants. :

----- X

Washington, D.C.

Tuesday, July 19, 2005

Videotaped deposition of LISA WEISBERG, a witness herein, called for examination by counsel for Defendants in the above-entitled matter, pursuant to notice, the witness being duly sworn by MARY GRACE CASTLEBERRY, a Notary Public in and for the District of Columbia, taken at the offices of Covington & Burling, 1201 Pennsylvania Avenue, N.W., Washington, D.C., at 9:40 a.m., Tuesday, July 19, 2005, and the proceedings being taken down by Stenotype by MARY GRACE CASTLEBERRY, RPR, and transcribed under her direction.

**ORIGINAL**

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1 APPEARANCES:

2

3 On behalf of the Plaintiffs:

4 KIMBERLY OCKENE, ESQ.

5 Meyer Glitzenstein & Crystal

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8 (202) 588-5206

9

10 On behalf of the Defendants:

11 MAURA A. DALTON, ESQ.

12 Covington & Burling

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14 Washington, D.C. 20004

15 (202) 662-5263

16

17 ALSO PRESENT:

18 ELLEN HEBERT, Videographer

19

20

21

22

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25

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1 A. This document?

2 Q. This document was not -- the ASPCA did not  
3 produce this document, did it?

4 A. That's correct.

5 Q. Do you know why it did not?

6 A. Again, I did not believe that that was  
7 part of the request for documents that were  
8 requested.

9 Q. You provided other financial information,  
10 correct?

11 A. Yes.

12 Q. Can you summarize for me the ASPCA's  
13 allegations in this lawsuit?

14 A. Yes. We believe that Ringling Bros. has  
15 violated the Endangered Species Act by the taking of  
16 Asian elephants which are endangered. And the taking  
17 was done by the use of the bullhook and the physical  
18 abuse of elephants as well as the chaining of the  
19 elephants for most of the day and night as well as  
20 the forcible removal of the baby elephants from their  
21 mothers.

22 Q. So you listed, I believe, four things that  
23 you say constituted "take." The use of what you  
24 refer to as the bullhook and what you claim is the  
25 physical abuses of elephants as well as the chaining

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1 of elephants and what you refer to as the forcible  
2 removal of baby elephants, is that correct?

3 A. That's correct.

4 Q. Do you contend that Ringling Bros. is  
5 violating the Animal Welfare Act?

6 A. Yes.

7 Q. And how is Ringling Bros. violating the  
8 Animal Welfare Act?

9 A. The Animal Welfare Act prohibits the  
10 physical abuse of animals. It also requires that  
11 animals be able to make normal postural adjustments  
12 which the elephants cannot make when they are  
13 chained; that they must be treated humanely and  
14 provided and cared for humanely.

15 Q. So are those claims part of your current  
16 case?

17 A. Yes.

18 Q. So your claims that Ringling Bros. is  
19 violating the Animal Welfare Act is part of the  
20 current case?

21 A. Correct.

22 Q. Have you contacted the USDA regarding your  
23 concerns about Ringling's violations of the AWA?

24 A. Yes.

25 Q. And do you contend that USDA is not

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1 enforcing the AWA?

2 A. That's correct.

3 Q. How is the USDA not enforcing the AWA?

4 A. USDA has been notified through its  
5 inspectors, through various investigations and  
6 inspections conducted regarding violations by  
7 Ringling Bros. And the Secretary of USDA time and  
8 time again has engaged in a policy of nonenforcement.

9 Q. And you said that you have contacted the  
10 United States Department of Agriculture about this,  
11 correct?

12 A. Correct.

13 Q. How many times have you contacted the  
14 agency?

15 A. I do not recall.

16 Q. Are documents relating to your contacts  
17 with USDA included in your document productions to  
18 Ringling?

19 A. Yes.

20 Q. Can you think of any other documents that  
21 you have not included?

22 A. No.

23 Q. Are there specific incidences that the  
24 ASPCA is complaining of in this case?

25 A. Yes.

1           A.     I believe it's Kathy Meyer and Eric  
2     Glitzenstein.

3           Q.     What is the ASPCA's role in the Wildlife  
4     Advocacy Project?

5           A.     We provided a grant to them to enable Tom  
6     Rider to do his public outreach and education about  
7     the treatment by Ringling Bros. of its Asian  
8     elephants.

9           Q.     And that was what the -- I'm sorry, the  
10    \$6,000 referred to in the check request was this  
11    original grant, correct?

12          A.     Correct.

13          Q.     And the check request for \$526.16 is  
14    additional funding over the original allotment in the  
15    budget for this project?

16          A.     Correct.

17          Q.     And \$400 of this was for a zoom camera?

18          A.     Correct.

19          Q.     Was the zoom camera to be used by  
20    Mr. Rider?

21          A.     Yes.

22          Q.     And for what purpose was the zoom camera  
23    to be used by him?

24          A.     To gather additional information about the  
25    treatment and chaining of the elephants by Ringling

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1 Bros.

2 Q. What other activities were covered in the  
3 \$6,000 grant?

4 A. They were to reimburse Tom Rider for his  
5 general living expenses to travel the country and  
6 meet with the media.

7 Q. Did you have any direct -- did you provide  
8 Mr. Rider with any direct payments or were all of  
9 your -- that's my question. Did you provide him with  
10 any direct payments?

11 A. Yes, in 2003, I believe.

12 Q. Did you provide that check request to us?

13 A. I believe I did.

14 MS. DALTON: I don't recall that, so Kim,  
15 if we could perhaps discuss that. We didn't receive  
16 any check request for Mr. Rider specifically.

17 THE WITNESS: Well, they weren't to  
18 Mr. Rider, the check requests. We would either  
19 advance money to him to purchase a Greyhound bus  
20 ticket or to reimburse him for his daily living  
21 expenses or I would prepay his hotel rooms. So there  
22 was never any checks written to Mr. Rider.

23 BY MS. DALTON:

24 Q. So there aren't any documents that would  
25 reflect any of those purchases or any of those



1 monetary advances?

2 A. The hotel rooms were oftentimes put on my  
3 American Express corporate card, and then some of the  
4 other smaller items were reimbursed to him through  
5 petty cash.

6 Q. And those were all in 2003?

7 A. Correct.

8 Q. Can you think of any other direct payments  
9 or in-kind reimbursements to Mr. Rider for any of the  
10 years besides 2003?

11 A. No.

12 Q. Returning to Exhibit 7. So if you could  
13 tell me -- if you could go into more detail as to  
14 what the \$6,000 grant was originally for.

15 A. Again, it was to reimburse Mr. Rider for  
16 his Greyhound bus tickets, to travel the country,  
17 basic day-to-day living expenses, food, lodging.

18 Q. And this was all provided through the  
19 Wildlife Advocacy Project?

20 A. Correct.

21 Q. Did Mr. Rider know that the ASPCA was  
22 providing this funding through the Wildlife Advocacy  
23 Project?

24 A. I believe so.

25 Q. Did Mr. Rider, to your knowledge, receive

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1 contact other members of the ASPCA and other  
2 departments in the ASPCA to see if they had any money  
3 that could be used for Mr. Rider?

4 A. No.

5 Q. Why not?

6 A. Because those other departments would not  
7 have -- it wasn't within their purview to do that  
8 kind of work.

9 MS. DALTON: I would like to mark Exhibit  
10 11, which is a copy of the ASPCA's bylaws.

11 (ASPCA Exhibit No. 11 was  
12 marked for identification.)

13 BY MS. DALTON:

14 Q. And in reviewing it, you can see that this  
15 document lists the ASPCA's revised bylaws as of June  
16 19th, 2002, correct?

17 A. Correct.

18 Q. And article 1 states the ASPCA's origins  
19 and purpose, correct?

20 A. Correct.

21 Q. Under number 2, the bylaws state that,  
22 quote, "throughout New York state, humane law  
23 enforcement agents investigate and apprehend  
24 individuals suspected of animal mistreatment,"  
25 correct?

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1 A. Correct.

2 Q. Is there a New York state law that gives  
3 these agents the power to investigate and apprehend  
4 individuals?

5 A. Yes. There was a special act of the New  
6 York state legislature.

7 Q. Can you tell me a little bit about that  
8 act, starting with when it was first passed?

9 A. 1866.

10 Q. And what is the substance of the Act?

11 A. Basically it created the ASPCA and gave us  
12 law enforcement powers.

13 Q. And the law enforcement powers are  
14 throughout the state of New York?

15 A. Correct.

16 Q. Now, if you turn to page A-00861, article  
17 8 is described as special agents, correct?

18 A. Correct.

19 Q. Now, are these special agents the same  
20 individuals as what was referred to as, quote,  
21 "humane law enforcement agents" under article 1?

22 A. I believe so.

23 Q. Are special agents hired by the ASPCA?

24 A. Yes.

25 Q. And what are their qualifications?

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1           A.     I can't speak to that. Are you talking  
2 about before we hire them, as a basis to hire them,  
3 or once we employ them?

4           Q.     When you're determining whether or not to  
5 employ somebody, generally what are you looking for?

6           A.     I can't speak to that. That's up to our  
7 vice president of humane law enforcement.

8           Q.     Under today's deposition, this is a  
9 30(b)(6) deposition, so you're speaking on behalf of  
10 the company so this is information regarding the  
11 company.

12          A.     Well, certainly no criminal record. I  
13 know that they have hired former New York police  
14 officers, people who have law enforcement  
15 backgrounds.

16          Q.     And once they are hired, to whom do they  
17 report?

18          A.     To the vice president of humane law  
19 enforcement.

20          Q.     And then who is that currently?

21          A.     Dale Riedel.

22          Q.     And then who does Mr. Riedel report to?

23          A.     Steve Musso.

24          Q.     Who is?

25          A.     He is the senior vice president and chief

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1 of operations.

2 Q. And do you report to -- I'm sorry, I  
3 didn't catch the name, Steve --

4 A. Musso, M-u-s-s-o.

5 Q. Do you also report to Steve Musso?

6 A. No, I do not.

7 Q. So Mr. Musso, then, reports to whom?

8 A. To the president.

9 Q. So they report down through a different  
10 chain of the organizational structure than you do,  
11 correct?

12 A. Correct.

13 Q. Once they are appointed by the ASPCA, they  
14 then have the law enforcement powers granted to them  
15 under New York state law?

16 A. They need to complete a course to become a  
17 peace officer in New York state.

18 Q. And what does that course entail?

19 A. It's a 40-hour course in law enforcement.

20 Q. And when you say law enforcement, what in  
21 particular?

22 A. I believe it's a class that they complete  
23 at John Jay College in New York City. They also do  
24 firearms training under New York state law.

25 Q. Does the ASPCA provide any additional

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1 training to these individuals?

2 A. Yes. There is ongoing continuing legal  
3 education. And I believe the firearms training,  
4 there is some type of annual training requirement for  
5 them to bear firearms.

6 Q. And this is all overseen by Mr. Riedel?

7 A. Yes.

8 Q. Under article 8, it says that -- section  
9 4, it says that these agents are specifically  
10 assigned to the task of humane law enforcement. So  
11 does that mean they are charged with enforcing New  
12 York state's animal welfare laws?

13 A. Correct. That's generally the provisions  
14 in article 26 of the New York State Agriculture and  
15 Markets law.

16 Q. And they are assigned to the task of  
17 humane law enforcement and then it says, "To make  
18 lawful arrests, issue summonses, appearance, tickets  
19 or similar instruments, seek and obtain warrants,  
20 execute warrants for the violation of any law  
21 relating to or effecting the prevention of cruelty to  
22 animals."

23 I skipped over a little bit in the  
24 beginning, but what I'm interested in is this phrase,  
25 "For the violation of any law relating to or

1 effecting the prevention of cruelty to animals." So  
2 that just refers to New York State law, is that  
3 correct?

4 A. Correct.

5 Q. Does the ASPCA provide training on what  
6 New York animal cruelty laws are?

7 A. Yes.

8 Q. And they are required to have that  
9 training on an ongoing basis?

10 A. Correct.

11 Q. So under the New York State law and under  
12 the bylaws of the ASPCA, special agents have a duty  
13 to inspect Ringling Bros., correct?

14 A. They are authorized to inspect.

15 Q. When they arrive at a Ringling Bros.  
16 performance or at a Ringling Bros. -- I should say at  
17 an area where Ringling Bros. is currently housing its  
18 animals, is Ringling Bros. required to treat them as  
19 they would any other law enforcement officer?

20 A. For the most part.

21 Q. And Ringling Bros. has to grant these  
22 agents access to its animals, correct?

23 A. We're authorized to inspect, but we're not  
24 mandated.

25 Q. But once you decide to inspect, then the

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1 entity or person being inspected is required to allow  
2 the inspection?

3 A. Not necessarily. Because Ringling Bros.  
4 houses its animals and performs at Madison Square  
5 Garden, which is a private entity, we need to get  
6 either the permission of Ringling Bros. to inspect or  
7 we would need to get a search warrant which would  
8 allow us to inspect. And in order to do that, we  
9 need probable cause.

10 Q. Was the humane law enforcement group  
11 founded back in the 1800s when this New York state  
12 law was first passed?

13 A. Yes.

14 Q. And generally speaking, what are the  
15 number of inspectors?

16 A. The current number of peace officers?

17 Q. Yes.

18 A. I believe it is 21 agents.

19 Q. And are they all in the New York City area  
20 or are they spread out throughout the state?

21 A. All in the New York City area.

22 Q. How do they determine whether or not to  
23 perform an inspection?

24 A. Based on complaints that we receive from  
25 the public and also from various government agencies.



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1 Q. Are there routine inspections in addition  
2 to these inspections that are a result of complaints?

3 A. Yes. We will inspect pet shops, other  
4 circuses that come to town.

5 Q. Is there a decision made by somebody in  
6 the humane law enforcement group as to which entities  
7 to inspect?

8 A. Yes.

9 Q. And who is that person?

10 A. Dale Riedel.

11 Q. Does he receive any input from any other  
12 vice presidents?

13 A. Only if we've been contacted about a  
14 possible case of cruelty.

15 Q. Do you know of any examples when other  
16 individuals at ASPCA have asked that there be an  
17 inspection?

18 A. I have.

19 Q. In what cases?

20 A. Pet shops, hoarders, individuals, problems  
21 with carriage horses in the city.

22 Q. Can the ASPCA fire a humane law  
23 enforcement inspector if they don't carry out their  
24 functions properly?

25 A. Yes.

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1 MS. DALTON: I would like to mark Exhibit  
2 12.

3 (ASPCA Exhibit No. 12 was  
4 marked for identification.)

5 BY MS. DALTON:

6 Q. And this is a document that was included  
7 in your production to Ringling Bros. with the Bates  
8 Number A-00801, correct?

9 A. I'm sorry?

10 MS. OCKENE: She's just reading.

11 THE WITNESS: Oh, yes.

12 BY MS. DALTON:

13 Q. And this is a letter to you from Giselle  
14 Gomez, correct?

15 A. Correct.

16 Q. And Ms. Gomez is with the humane law  
17 enforcement group?

18 A. Yes.

19 Q. And why did Ms. Gomez send you these  
20 reports?

21 A. I requested them as part of the discovery  
22 request.

23 Q. When you say discovery request, that's  
24 the --

25 A. By the defendants.

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1 Q. -- by the defendants. And what inspection  
2 reports did you request?

3 A. I requested any files pertaining to circus  
4 inspections.

5 Q. So there were no other inspections of  
6 circuses as of May 20th, 2004 besides these, I think  
7 it's nine?

8 A. Correct.

9 MS. DALTON: Mark as Exhibit 13.

10 (ASPCA Exhibit No. 13 was  
11 marked for identification.)

12 BY MS. DALTON:

13 Q. So document number A-00804 is what appears  
14 to be a routine circus inspection, correct?

15 A. Correct.

16 Q. And the date is March 20th, 1998?

17 A. Correct.

18 Q. And it is assigned case number S98-0278,  
19 correct?

20 A. Correct.

21 Q. What is a routine circus inspection?

22 A. Basically, the agents would look to see if  
23 the animals were properly fed and watered, general  
24 health, making sure that they're not visibly ill or  
25 injured as well as sanitary conditions.

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1 Q. Are these routine circus inspections  
2 required by law?

3 A. No.

4 Q. Are they required to be conducted at  
5 certain times?

6 A. No.

7 Q. And whose decision is it to carry out  
8 these inspections?

9 A. I would imagine it's Mr. Riedel.

10 Q. How are these inspections carried out?

11 A. My understanding is that they are arranged  
12 in conjunction with Ringling Bros. or whichever  
13 circus we're inspecting by appointment.

14 Q. And once they determine to go in and  
15 inspect the circus, are they required to review all  
16 animals once they're there?

17 A. I believe so.

18 Q. And are they required to speak with  
19 certain Ringling representatives?

20 A. I believe that they are accompanied by a  
21 Ringling Bros. employee.

22 Q. Now, if you could turn the page to  
23 document A-00805.

24 A. Right.

25 Q. It appears as though this refers to the

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1 same case.

2 A. Yes.

3 Q. And it notes this was a Friday night  
4 circus inspection?

5 A. Correct.

6 Q. And it says, name of business, and it says  
7 Nass Col. Is that the Nassau Coliseum?

8 A. I believe so.

9 Q. And that's on Long Island, correct?

10 A. Correct.

11 Q. And document 00806 looks like the Special  
12 Agent Brett's notes and it reads, "This is a  
13 duplicate case. Already investigated and closed by  
14 Special Agent Gary Rogers NVO." What does NVO stand  
15 for?

16 A. I do not know. Maybe no violations. I'm  
17 not sure.

18 Q. And SA stands for special agent?

19 A. I believe so.

20 Q. And it doesn't look as though there were  
21 any violations of the standards that they were being  
22 investigated under during this visit, correct?

23 A. It's unclear since this was closed based  
24 on special agent Gary Rogers' inspection, and he's a  
25 special agent with the Suffolk County SPCA.

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1 Q. And is that why Gary Rogers' notes  
2 regarding this inspection were not provided to us?

3 A. I don't know.

4 Q. Would you consider the notes of an  
5 inspection performed by the Suffolk County SPCA  
6 responsive to our document requests?

7 A. Not necessarily.

8 Q. And you don't know what NVO stands for?

9 A. No, I don't.

10 MS. DALTON: I would like to turn to  
11 Exhibit 14.

12 (ASPCA Exhibit No. 14 was  
13 marked for identification.)

14 BY MS. DALTON:

15 Q. Actually, prior to turning to Exhibit 14,  
16 if we could return to Exhibit 3, please, to page 29  
17 where it says, "humane law enforcement  
18 investigations." It's the second entry to the  
19 bottom.

20 A. Yes.

21 Q. And it says 8/4/98 and 8/31/98.

22 A. Right.

23 Q. So do you know if those inspections  
24 regarded Ringling Bros.?

25 A. I don't know.

1 Q. Do you know if we received documents  
2 regarding those investigations?

3 A. Yes.

4 Q. So turning back to --

5 A. I'm sorry, I believe those records were  
6 not -- they have no records for 1998, so you did not.

7 Q. But you just showed me a record from 1998  
8 which was Exhibit 13, which was actually earlier in  
9 the year than 1998 -- in 1998.

10 A. I'm sorry, you're right. That's correct.

11 MS. DALTON: So I would like to ask for  
12 additional 1998 records, if they exist, for these two  
13 investigations that were in August, if they related  
14 to Ringling Bros.

15 MS. OCKENE: For the record, she performed  
16 a reasonable search and we've provided documents. We  
17 can search again. It appears that they weren't in  
18 the files for some reason, but we can search again.

19 BY MS. DALTON:

20 Q. I mean, as you were able to account for  
21 the funding for these, I would assume there was some  
22 sort of record that refreshed your recollection when  
23 you were preparing the response for interrogatory 21.  
24 I mean, if you were able to piece together that those  
25 were the two dates of the law enforcement

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1 investigations.

2 A. Right. I believe that we turned over all  
3 the records, but I can certainly ask our humane law  
4 enforcement department to double-check.

5 Q. Okay. That will be great.

6 MS. DALTON: And I'll follow up with you,  
7 Kim, on that.

8 BY MS. DALTON:

9 Q. I'm sorry, I missed my spot. I had moved  
10 on to Exhibit 14, which is another routine  
11 inspection.

12 A. Uh-huh.

13 Q. And the case number is S99-0002.

14 A. Correct.

15 Q. And again, it was assigned to, it appears,  
16 Special Agent Brett?

17 A. Correct.

18 Q. And document number A-00820 refers to that  
19 same case number, correct?

20 A. Correct.

21 Q. And when it says complainant and it says  
22 HLE, what does that stand for?

23 A. Humane law enforcement.

24 Q. So does that mean that somebody within the  
25 ASPCA had complained about something or is that a



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1 routine inspection?

2 A. I believe it's a routine inspection.

3 Q. And again, this was at the Nassau  
4 Coliseum, correct?

5 A. Correct.

6 Q. And document 00821 describes the findings  
7 from the inspection, doesn't it?

8 A. Yes.

9 Q. And the report states that the elephants  
10 were kept on, quote, "padded chain," correct?

11 A. Yes.

12 Q. And it also states that the inspector was,  
13 quote, "escorted by the circus vet"?

14 A. Correct.

15 Q. And it said that the inspector was  
16 "escorted by circus vet Peter Cimini on an inspection  
17 of premises to confirm compliance on all humane  
18 issues," doesn't it?

19 A. Correct.

20 Q. And it says, case closed, correct?

21 A. Correct.

22 Q. And reports NVO at this time, correct?

23 A. Correct.

24 Q. Does that mean that there were no  
25 violations of, quote, "all humane issues," end quote?

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1 A. I believe so.

2 Q. So there were not any reports of any  
3 violations during this visit, are there?

4 A. The inspectors, our inspectors, when they  
5 perform an inspection, are again only looking for  
6 proper food and water and sanitary conditions and  
7 whether there are any visible signs of injury or  
8 illness. There may be other violations that our  
9 inspectors are not trained to detect.

10 Q. So the inspectors found that there was  
11 proper food, proper water, proper sanitary conditions  
12 and there were no visible signs of injury or illness,  
13 correct?

14 A. Correct.

15 MS. DALTON: I would like to mark Exhibit  
16 15.

17 (ASPCA Exhibit No. 15 was  
18 marked for identification.)

19 BY MS. DALTON:

20 Q. Document number A-00822 is yet another,  
21 quote, "routine inspection of Ringling Bros.,"  
22 correct?

23 A. Correct.

24 Q. And this investigation was assigned to  
25 Special Agent Romano?

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1 A. Correct.

2 Q. And it was an inspection that occurred  
3 at -- it appears from the address, 34th Street and  
4 8th Avenue, that it was at Madison Square Garden on  
5 March 23rd of 1999, correct?

6 A. Correct.

7 Q. And the following page confirms that this  
8 is a routine inspection of Ringling Bros. Barnum  
9 Bailey Circus at Madison Square Garden, correct?

10 A. Correct.

11 Q. And the following page, 00824, this is the  
12 report that the inspector wrote after conducting his  
13 inspection, correct?

14 A. Correct.

15 Q. And the report reflects the fact that the  
16 ASPCA official inspected the areas where the animals  
17 were kept, including all the animal pens, correct?

18 A. Correct.

19 Q. The inspector found that there was, quote,  
20 "adequate bedding, food and water," correct?

21 A. Correct.

22 Q. And that "all pens were secured, clean and  
23 mucked," correct?

24 A. Correct.

25 Q. And with regards to the elephants, he

July 19, 2005

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1 stated that the elephants were secured and that there  
2 was food observed, correct?

3 A. Correct.

4 Q. So there are no reports of any violations  
5 of humane laws during this visit, correct?

6 A. Based on this criteria, correct.

7 Q. So during this visit, they found that  
8 there was adequate bedding, food and water and there  
9 was no visible signs of harm to any of the elephants,  
10 correct?

11 MS. OCKENE: Objection to the form, your  
12 characterization of the testimony.

13 MS. DALTON: Well, I don't think so,  
14 because based on what Ms. Weisberg said earlier, she  
15 said that the standards that the humane enforcement  
16 officials look at during these reviews, they look at  
17 whether or not there is adequate food, bedding, water  
18 and visible signs of harm.

19 So I then just asked that because there  
20 were no violations found, that she can infer that  
21 there was no violations of any of those.

22 MS. OCKENE: I just think the document  
23 speaks for itself, and you're mischaracterizing  
24 what's contained in the document. I don't see  
25 anywhere where it says no violations of humane laws.

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1 BY MS. DALTON:

2 Q. I'm going to ask that again. So based on  
3 this document where it says that all pens were  
4 checked and adequate bedding, food and water were  
5 observed, and based on what you said earlier in that  
6 the officials looked to see if there were any visible  
7 signs of harm or visible signs of injury to the  
8 elephants, that there was no violation of any of  
9 those standards?

10 A. Correct.

11 Q. In addition, did Special Agent Romano note  
12 that the general condition of the area where the  
13 animals were found was good?

14 A. Yes.

15 MS. DALTON: We're running out of tape  
16 right now. I have a few more of these to go through.  
17 It's 12:30. Do you want to take a break?

18 MS. OCKENE: I would prefer to finish this  
19 topic.

20 MS. DALTON: Okay.

21 MS. OCKENE: Is that all right with you,  
22 Lisa?

23 THE WITNESS: Sure.

24 THE VIDEOGRAPHER: This concludes tape 2  
25 in the deposition of Lisa Weisberg. We're going off

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1 the record. The time is 12:32:50.

2 (Recess.)

3 (ASPCA Exhibit No. 16 was  
4 marked for identification.)

5 THE VIDEOGRAPHER: This begins tape 3 in  
6 the deposition of Lisa Weisberg. We're back on the  
7 record. The time is 12:35:56.

8 BY MS. DALTON:

9 Q. I would like to continue with what has  
10 been marked as Exhibit 16 and the first page of this  
11 exhibit has been Bates stamped A-00825 which is  
12 another routine inspection of Ringling Bros.,  
13 correct?

14 A. Correct.

15 Q. And this one was assigned to, it says S/I,  
16 which I'm going to assume is special investigator?

17 A. I believe so.

18 Q. MacDonald, and it is at Madison Square  
19 Garden on March 29, 1999, correct?

20 A. Correct.

21 Q. And the next page refers to the same case  
22 number, N99-1051, correct?

23 A. Correct.

24 Q. And on the following page, A-00827, that  
25 refers to the same case, correct?

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1 A. Correct.

2 Q. And it says that the investigator was  
3 escorted throughout the entire holding area and  
4 observed all animals to be, quote, "very secure,  
5 bright, alert, clean pens, ample water provided,"  
6 correct?

7 A. Correct.

8 Q. At the bottom of the report, it says that  
9 there were, quote, "no violations observed," correct?

10 A. Correct.

11 Q. So is it possible that the NVO that we saw  
12 written on prior reports stands for no violations  
13 observed?

14 A. It's possible.

15 Q. Would you say that that's what NVO stands  
16 for?

17 A. I believe so.

18 Q. So based on that, looking back at Exhibit  
19 13, the third page of that exhibit, it means that  
20 Special Agent Brett found no violations during his  
21 visit at the Nassau Coliseum on March 20th, 1998,  
22 correct?

23 A. It's unclear to me given that this case  
24 was investigated by Special Agent Gary Rogers.

25 Q. That's not what I'm asking you. I'm

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1 asking you, on the date of March 20th, 1998, Special  
2 Agent Brett found no violations, correct?

3 A. I believe so.

4 Q. And with Exhibit 14, at the bottom of page  
5 A-00821, which is regarding the March 23rd, 1999  
6 visit to the Nassau Coliseum, in the last sentence  
7 of -- Mr. Brett says, "case closed/NVO at this time."  
8 So that shows that on March 23rd, 1999, Special Agent  
9 Brett found no violations when he visited Ringling  
10 Bros. at Nassau Coliseum, correct?

11 A. To the best of my knowledge, yes.

12 Q. If you could return back to Exhibit 16 and  
13 turn to page 00828, which refers to the same March  
14 29th, 1999 inspection of Madison Square Garden.

15 A. Yes.

16 Q. And can you please tell me whether there  
17 was any finding of, quote, "any mistreatment of or  
18 cruelty to animals"?

19 A. No.

20 Q. So there was no finding of mistreatment or  
21 cruelty to animals, correct?

22 A. Based on this inspection, that's correct.

23 Q. This document says that there was no  
24 mistreatment of or cruelty to animals, correct?

25 A. Correct.



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1 Q. And during this March 29th, 1999  
2 inspection, it found that there were no animals  
3 injured, correct?

4 A. Correct.

5 Q. And there were no incidences that were  
6 reported during this visit, correct?

7 A. Correct.

8 Q. And under the next category, it says  
9 animals, and I'm going to ask you to tell me, how  
10 were the facilities rated?

11 A. Good.

12 Q. And is good the highest rating?

13 A. Yes.

14 Q. And what was the rating for whether or not  
15 the facilities were clean and sanitary?

16 A. Good.

17 Q. And what was the rating for food and  
18 water?

19 A. Good.

20 Q. Were the animals properly segregated?

21 A. Yes.

22 Q. And what was the condition and the health  
23 of the animals?

24 A. Good.

25 Q. Were there any sick or injured animals?

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1 A. No.

2 Q. Were any animals suspended from labor?

3 A. No.

4 Q. And were the animals securely confined?

5 A. Yes.

6 Q. So based on this report, the facilities  
7 were found in good condition, they were clean and  
8 sanitary, there was good food and water, the health  
9 and condition of the animals were good, there were no  
10 sick or injured animals and the animals were securely  
11 confined, correct?

12 A. Correct.

13 (ASPCA Exhibit No. 17 was  
14 marked for identification.)

15 BY MS. DALTON:

16 Q. Before turning to Exhibit 17, I want to  
17 confirm that the findings from the visit of Madison  
18 Square Garden where Ringling Bros. was located on  
19 March 29th, 1999 in which the facilities were found  
20 in good condition and there was clean and sanitary  
21 facilities, there was good food and water, the health  
22 and the conditions of the animals were good and there  
23 were no sick and injured animals, I would like to  
24 confirm with you that good was the highest rating  
25 available, correct?

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1 A. Correct.

2 Q. Document A-00830 is what's labeled as an  
3 activity card for another inspection of Ringling  
4 Bros. at Madison Square Garden, correct?

5 A. Correct.

6 Q. And this inspection was conducted on April  
7 2nd, 2001, correct? If you look back at the activity  
8 card, it's this section down at the bottom.

9 A. Yeah, I'm just determining whether the  
10 inspection actually occurred on the 2nd or the 3rd.

11 Q. On the next page, in the middle of the  
12 second block, it says, inspection sequence and date.

13 A. Yes. Yes, it does appear to be April 2nd.

14 Q. So the next page, document 00831, is a  
15 report following the same inspection of Ringling  
16 Bros. dated April 2nd, 2001, correct?

17 A. Correct.

18 Q. Under the narrative section, the ASPCA  
19 official found that, quote, "everything was found to  
20 be in order" and that there were, quote, "no injured  
21 or sick animals," correct?

22 MS. OCKENE: Objection to the  
23 characterization of the document. It says no injured  
24 or sick animals observed.

25 MS. DALTON: I would ask you to stop

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1 making objections that aren't form or privilege and  
2 stop instructing the witness.

3 MS. OCKENE: I didn't instruct her. I was  
4 objecting to the form.

5 MS. DALTON: You're instructing through  
6 your objections.

7 MS. OCKENE: I object to the form. You  
8 can answer the question.

9 THE WITNESS: Yes.

10 BY MS. DALTON:

11 Q. Let me ask that again. So under the  
12 narrative section, the ASPCA official found that  
13 everything was in order?

14 A. Yes.

15 Q. And found that there were no injured or  
16 sick animals, correct?

17 A. Correct.

18 Q. The ASPCA inspector also noted that there  
19 was a vet on staff and present, correct?

20 A. Correct.

21 Q. Document number A-00835 refers to the same  
22 April 2nd, 2001 visit of Madison Square Garden,  
23 correct?

24 A. Correct.

25 Q. Was there any finding of any mistreatment

July 19, 2005

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1 of or cruelty to animals?

2 A. No.

3 Q. Were any animals injured?

4 A. No.

5 Q. Were there any incidences reported?

6 A. No.

7 Q. How were the facilities rated?

8 A. Good.

9 Q. And is good the highest rating available?

10 A. Yes.

11 Q. And how is the cleanliness and

12 sanitariness of the facility rated?

13 A. Good.

14 Q. And how was the food and water rated?

15 A. Good.

16 Q. And for both the cleanliness and  
17 sanitariness and food and water, good is the highest

18 rating, correct?

19 A. Correct.

20 Q. Was it found that the animals were

21 properly segregated?

22 A. Yes.

23 Q. What was the condition and health of the

24 animals?

25 A. Good.

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1 Q. And is good the highest rating?

2 A. Yes.

3 Q. Were there any sick or injured animals?

4 A. It says yes.

5 Q. And were they required to work?

6 A. No. They were suspended from labor.

7 Q. And were the animals securely confined?

8 A. Yes.

9 Q. So as found by the inspector following the  
10 Madison Square Garden inspection of April 2nd, 2001,  
11 there was no mistreatment or cruelty to any animals,  
12 there were no animals injured, the facilities were  
13 found to be good, the facilities were found to be  
14 clean and sanitary and the food and water was good,  
15 correct?

16 A. There were found to be sick or injured  
17 animals.

18 Q. I didn't ask you that. I asked you if  
19 there were any mistreatment or cruelty to animals,  
20 any animals injured or any reported incidences,  
21 whether or not the facilities were good, whether or  
22 not the facilities were clean and sanitary and  
23 whether or not there was food and water that was  
24 good.

25 A. Correct.

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1 Q. Now, you mentioned that there were sick  
2 and injured animals, correct?

3 A. Correct.

4 Q. Were they required to work?

5 A. No.

6 Q. And I would like to confirm that the  
7 facilities and the cleanliness and sanitary of the  
8 facilities and the quality of the food and water was  
9 all ranked the highest, good.

10 A. Correct.

11 (ASPCA Exhibit No. 18 was  
12 marked for identification.)

13 BY MS. DALTON:

14 Q. And document A-00836 is another activity  
15 card that reflects an inspection at Madison Square  
16 Garden on March 21st, 2002, correct?

17 A. Correct.

18 Q. And this is another routine inspection of  
19 Ringling Bros. while the show was at Madison Square  
20 Garden in New York City, correct?

21 A. Correct.

22 Q. And in the text at the bottom of the  
23 activity card, the ASPCA inspector noted that the  
24 special agent was escorted by Alex Vargas throughout  
25 the entire circus area, correct?

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Washington, DC

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1 A. Correct.

2 Q. And the report states that, quote, "all  
3 animals are secure, all bright and alert, no injuries  
4 found on any elephants and ample food and water  
5 provided," correct?

6 A. Correct.

7 Q. Document number A-00838 refers to the same  
8 inspection of March 21st, 2002, correct?

9 A. Correct.

10 Q. Dr. Lindsay, a veterinarian, was on site  
11 during this inspection, correct?

12 A. Correct.

13 Q. And the report says that he was available  
14 for any reason if needed, correct?

15 A. Yes.

16 Q. And the report again states that, quote,  
17 "all animals are secure, all bright and alert, no  
18 injuries found on any elephants and ample food and  
19 water provided," correct?

20 A. I'm sorry, where are you reading that?

21 Q. It starts --

22 A. Yes, I see that.

23 Q. So the report states that all animals are  
24 secure, all bright and alert, no injuries found on  
25 any elephants and ample food and water provided,



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1 correct?

2 A. Correct.

3 Q. And the report states at the bottom that  
4 the inspector is, quote, "closing out this case as  
5 unfounded," end quote, correct?

6 A. Yes.

7 Q. What was unfounded?

8 A. It's not clear.

9 Q. Do you know of any allegations against the  
10 circus that led to this inspection?

11 A. No.

12 Q. Document A-00840 refers to the same March  
13 21st, 2002 inspection, correct?

14 A. Correct.

15 Q. Can you please tell me if there was any  
16 finding of mistreatment of or cruelty to animals?

17 A. No.

18 Q. Were any animals injured?

19 A. No.

20 Q. Were there any incidences?

21 A. No.

22 Q. How were the facilities rated?

23 A. Good.

24 Q. And again, good is the highest, correct?

25 A. Yes.

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1 Q. And were the facilities clean and  
2 sanitary?

3 A. Yes.

4 Q. And again, good was marked, which is the  
5 highest rating, correct?

6 A. Correct.

7 Q. And the food and water was rated good,  
8 correct?

9 A. Yes.

10 Q. And that's the highest rating, correct?

11 A. Right.

12 Q. And the animals were found to be properly  
13 segregated?

14 A. Correct.

15 Q. And the condition and the health of the  
16 animals were good, correct?

17 A. Correct.

18 Q. And good is the highest rating?

19 A. Correct.

20 Q. And were the animals securely confined?

21 A. Yes.

22 Q. And were there two animals not working?

23 A. Correct.

24 Q. So based on this inspection report, there  
25 was no finding of any mistreatment of or cruelty to

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1 animals, correct?

2 A. Correct.

3 Q. And there were no injured animals?

4 A. Correct.

5 Q. And the facilities and the food and water  
6 were found to be good, which was the highest rating  
7 available, correct?

8 A. Correct.

9 MS. DALTON: I would like to go off the  
10 record.

11 THE VIDEOGRAPHER: Going off the record.

12 The time is 12:52:30.

13 (Whereupon, at 12:52 p.m., the deposition  
14 in the above-entitled matter was recessed, to  
15 reconvene at 1:33 p.m., this same day.)

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July 19, 2005

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1 AFTERNOON SESSION

2 (1:33 p.m.)

3 Whereupon,

4 LISA WEISBERG,

5 the witness testifying at the time of recess, having  
6 been previously duly sworn, was further examined and  
7 testified further as follows:

8 EXAMINATION BY COUNSEL FOR DEFENDANTS (RESUMED)

9 THE VIDEOGRAPHER: We're back on the  
10 record. The time is 13:33:27.

11 BY MS. DALTON:

12 Q. I would like to just ask you a few more  
13 questions regarding the inspection process that the  
14 ASPCA inspectors are responsible for in New York  
15 City. At the beginning of our discussion regarding  
16 the inspectors, you mentioned that the inspectors  
17 have the power to issue a search warrant if there is  
18 probable cause, correct?

19 A. We don't issue the search warrant. The  
20 court does.

21 Q. They can obtain a search warrant from a  
22 court if it's found to have probable cause?

23 A. Yes.

24 Q. To your knowledge, has there ever been a  
25 warrant issued for an inspection of Ringling Bros.

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1 Circus?

2 A. I'm not aware of that.

3 Q. Do you know if Ringling Bros. has ever  
4 rejected a request from the ASPCA to inspect the  
5 circus?

6 A. I believe there was one year where there  
7 was an incident where they initially denied us access  
8 to inspect.

9 Q. Do you know what the reason given when  
10 they initially denied access was?

11 A. I believe they questioned our authority.

12 Q. And then once that authority was  
13 confirmed, they then granted you access?

14 A. I don't recall.

15 Q. Do you know what year that was?

16 A. No, I don't remember.

17 Q. On an unrelated topic, I just wanted to  
18 ask you two more questions regarding ASPCA's decision  
19 not to provide Mr. Rider with any additional funds  
20 after 2003.

21 A. Okay.

22 Q. You said that the reason why there was no  
23 funding for Mr. Rider past 2003 was because of  
24 budgetary concerns?

25 A. Other issues that we wanted to pursue that

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1 Q. Turning to Exhibit 9, where the first  
2 sentence of your first -- of your e-mail to Larry  
3 Hawk, it says, "Tom Rider who is a co-plaintiff on  
4 the suit and a former Ringling elephant trainer has  
5 just left the employ of Pat Derby's group." Do you  
6 see that?

7 A. Yes.

8 Q. I think you referred to it earlier and  
9 Ms. Dalton asked you a question as to how you knew  
10 that Tom Rider was an elephant trainer?

11 A. Right.

12 Q. Do you recall whether he actually told you  
13 he was an elephant trainer?

14 A. No. I realize that I made a mistake  
15 there, that it was my misunderstanding. He wasn't a  
16 trainer, but he was a caretaker for the elephants.

17 Q. And now I want to turn your attention to  
18 the discussion you had earlier about the humane law  
19 enforcement inspections.

20 A. Yes.

21 Q. Of Ringling Bros. elephants.

22 A. Right.

23 Q. And we looked at a number of exhibits that  
24 are forms that your humane law enforcement agents  
25 fill out after doing inspections?

05/20/2004 14:40 12123483031



# ASPCA

THE AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS

May 20, 2004

Lisa Weisberg, Esq.  
ASPCA - Government Affairs

**Re: Ringling Brothers Inspection(s)**

Dear Lisa:

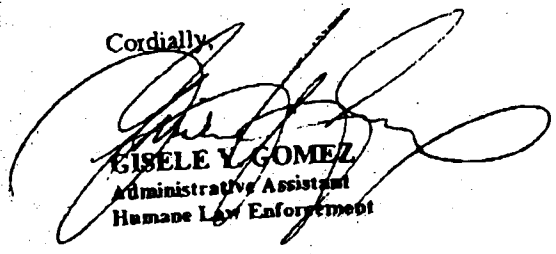
As per your request, attached herewith are all the files pertaining to Circus Inspections. The file numbers are as follows:

- S98-0278    S98-0768    S98-0871    S99-0002    N99-0913    N99-1051
- A01-000318    A02-001028    A03-002090

Kindly be advised that records for 1997 have been destroyed and we have no records for 1998.

If you have any questions, or need any further information, please feel free to contact Mr. Riedel at ext 4459.

Cordially,



**GISELE Y. GOMEZ**  
Administrative Assistant  
Humane Law Enforcement

DR/gye

13

03/24/2004 14.42 12123400001

A S P C A  
CRUELTY COMPLAINT

CASE # S98-0278

DATE RECEIVED 03/20/98

DATE ASSIGNED 03/20/98

RECEIVED BY Jessica

ASSIGNED TO S/A Brett

COMPLAINANT INFORMATION

SUBJECT INFORMATION

APT#  
X ST  
H:  
W:

Barnum & Bailey Circ  
Hempstead Turnpike  
APT# Suffolk  
X ST

COMPLAINT

ADDITIONAL INFORMATION

routine circus inspection

VIOLATION

10-29H CIRCUS INSPECTION

Aug 1978  
HLE records.



001 241 2004 14:42 12123400001

ASPCA

HUMANE LAW ENFORCEMENT  
COMPLAINT COVER SHEET



BRETT

DATE REC'D: \_\_\_\_\_ REC'D BY: \_\_\_\_\_ CASE #: \_\_\_\_\_

COMPLAINANT: (Mr./Ms.) \_\_\_\_\_

HOME/WORK ADDRESS: \_\_\_\_\_

APT. # \_\_\_\_\_ BOROUGH: \_\_\_\_\_ CROSS STREET: \_\_\_\_\_

TELEPHONE #: (HOME) ( \_\_\_\_\_ ) (WORK) ( \_\_\_\_\_ )

VIOLATION CODE: \_\_\_\_\_

ALLEGED COMPLAINT: FRI NIGHT CIRCUS INST

SUBJECT'S NAME: Circus

NAME OF BUSINESS: NASS COLIS

ADDRESS: HOMP TPK

APT # \_\_\_\_\_ BOROUGH: \_\_\_\_\_ CROSS STREET: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_

ADDITIONAL INFO. FOR AGENT: \_\_\_\_\_

24 41 4007 147 /CA  
1212090001

Case No. \_\_\_\_\_

**THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY OF ANIMALS**  
**REPORT OF COMPLAINT INVESTIGATED**  
**WHO - WHAT - WHERE - WHEN - WHY - & - HOW**

DATE: 3/20/98, Friday

*This is a duplicate case already investigated & closed by S/A Gary Rogers. NVO.*

*S/A Tom Burt*

1875

05/29/2009 14:46 12123483031

ADFLA

FORM 14

~~13~~  
14

A S P C A

CASE # S99-0002

CRUELTY COMPLAINT

DATE RECEIVED 03/23/99

DATE ASSIGNED 03/23/99

RECEIVED BY Jessica

ASSIGNED TO S/A Brett

COMPLAINANT INFORMATION

SUBJECT INFORMATION

Hle

Barnum & Baillys  
Nassau Colliseum  
1255 Hempstead Turnpike  
APT# Suffolk  
X ST

APT#

X ST

H:

W:

Union Dale

COMPLAINT

ADDITIONAL INFORMATION

routine inspection

VIOLATION

10-29H CIRCUS INSPECTION

05/24/2004 14:46 12123483031

NOFLA

FMDC 10

Tues, 3/23

night 1/3/23 Brett



**ASPCA**  
The American Society for the Prevention of Cruelty to Animals



**HUMANE LAW ENFORCEMENT  
COMPLAINT COVER SHEET**

DATE REC'D: 3/22/99		REC'D BY: [Signature]	CASE #: 599-0002
COMPLAINANT (MR./MS.): HLE			
HOME/WORK ADDRESS:			
APT. #	BOROUGH:	CROSS STREET:	
TELEPHONE # (HOME)		(WORK):	
VIOLATION CODE: W-29H			
ALLEGED COMPLAINT: Routine Inspection			
SUBJECT'S NAME: Barnum & Bailey's Circus			
NAME OF BUSINESS: Nassau Coliseum			
ADDRESS: 1255 Hempstead Turnpike			
APT #:	BOROUGH: Nassau	CROSS STREET:	
TELEPHONE NUMBER: unimodal.			
ADDITIONAL INFORMATION FOR AGENT:			

05/24/2004 14:46

12123483031

ASPCA

PAGE 14

Case No \_\_\_\_\_

THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY OF ANIMALS  
REPORT OF COMPLAINT INVESTIGATED  
WHO - WHAT - WHERE - WHEN - WHY - & - HOW

Time: 1650X 1700 hrs

DATE: 3-23-99, Tues

Above date & time, Y/S responded to the Nassau Veteran's Coliseum, 1255 Hempstead Tpk, Uniondale. Upon arrival, Y/S discovered Circus had already vacated the premises & was en-route to L.I. City where animals were to be paraded on foot to Madison Square Garden. At 2240 hrs the Y/S & S/A Paul Romano responded to the L.I. City railroad freight yard & participated in the escort of the aforementioned animal parade. Said parade proceeded without incident, & all animals 14 elephants, 24 Equine, 4 Zebra arrived safely at the arena where they were placed in individual stalls (Elephants kept on common, padded chain.) Y/S was escorted by Circus Vet Peter Cimini on inspection of premises to confirm compliance on all humane issues. Case closed/ NVO at this time.

S/A Wm Buettner

05/29/2009 19:46 12123483031

ASPCA

PAGE 10

15

ASPCA

CASE # N99-0933

CRUELTY COMPLAINT

DATE RECEIVED 03/23/99

DATE ASSIGNED 03/23/99

RECEIVED BY Jessica

ASSIGNED TO S/A Romano

COMPLAINANT INFORMATION

SUBJECT INFORMATION

Hle

Barnum&Bailey Circus

APT#

34th Street

X ST

APT# Manhattan

H:

X ST 8th Avenue

W:

COMPLAINT

ADDITIONAL INFORMATION

routine inspection

madison square garden

VIOLATION

10-29H CIRCUS INSPECTION

PREVIOUS CASE(S) N98-1552 N98-2376 N98-4472 N99-078

05/24/2004 14:46

12123483031

ASPCA

PAGE 10

WED, 24<sup>th</sup> NIGHT

Paul



### HUMANE LAW ENFORCEMENT COMPLAINT COVER SHEET

DATE REC'D: 3/28/99	REC'D BY: gmw	CASE #: N99-0933
COMPLAINANT (MR. MS.): He		
HOME/WORK ADDRESS:		
APT. #	BOROUGH:	CROSS STREET:
TELEPHONE # (HOME)		(WORK):
VIOLATION CODE: 10-29H		
ALLEGED COMPLAINT: Routine inspection		
SUBJECT'S NAME: Barnum & Bailey's Circus		
NAME OF BUSINESS: Madison Square Garden		
ADDRESS: 8 <sup>th</sup> Avenue		
APT. #	BOROUGH: Manhattan	CROSS STREET:
TELEPHONE NUMBER:		
ADDITIONAL INFORMATION FOR AGENT:		

03/24/2004 14:46 12123483031

Case No NY9-0933

THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY OF ANIMALS  
REPORT OF COMPLAINT INVESTIGATED  
WHO - WHAT - WHERE - WHEN - WHY - & - HOW

DATE: 19.25 x 20.05

DATE: 3/24/99

Arrived AT MADISON SQUARE GARDEN. re: INSPECTION of  
Circus Animals. Area where animals are kept inspected,  
all pens checked, adequate bedding, food and water  
observed. All pens secured, cleaned and mucked.

Elephants secured, food observed. General condition of  
Area good. Total count of animals as follows:

- |                     |                   |                      |                 |
|---------------------|-------------------|----------------------|-----------------|
| <u>16 Tigers</u>    | <u>35 Horses</u>  | <u>2 GOATS</u>       | <u>4 Zebras</u> |
| <u>14 Elephants</u> | <u>6 Albacors</u> | <u>2 Mini Horses</u> |                 |
| <u>4 Camels</u>     | <u>2 YAGS</u>     | <u>4 Ostriches</u>   |                 |

Sgt. Paul Romano # 1975



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ASPCA

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ASPCA  
CRUELTY COMPLAINT

CASE # N99-1051

DATE RECEIVED 03/29/99

DATE ASSIGNED 03/29/99

RECEIVED BY Jessica

ASSIGNED TO S/I MacDonald

COMPLAINANT INFORMATION

SUBJECT INFORMATION

Hle

Ringling Brothers  
Madison Square Garde  
33 Street  
APT# Manhattan  
X ST 7 Avenue

APT#  
X ST  
H:  
W:

COMPLAINT

ADDITIONAL INFORMATION

routine inspection

VIOLATION

10-29H CIRCUS INSPECTION

PREVIOUS CASE(S) N97-1245 N98-1155 N99-0675

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# ASPCA

The American Society for the Prevention of Cruelty to Animals



## HUMANE LAW ENFORCEMENT COMPLAINT COVER SHEET

DATE REC'D:	3/29/99	REC'D BY:	gmi	CASE #	N99-1051
COMPLAINANT (MR. MS.):	file				
HOME/WORK ADDRESS:					
APT. #		BOROUGH:		CROSS STREET:	
TELEPHONE # (HOME)		(WORK):			
VIOLATION CODE:	D-29H				
ALLEGED COMPLAINT:	Routine inspection				
SUBJECT'S NAME:					
NAME OF BUSINESS:	Ringling Bros.				
ADDRESS:	Madison-Square Garden - 33 Street				
APT. #		BOROUGH:	Manhattan	CROSS STREET:	7 Avenue
TELEPHONE NUMBER:					
ADDITIONAL INFORMATION FOR AGENT:					

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ADFLM

PMSC 20

Case No \_\_\_\_\_

THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY OF ANIMALS  
REPORT OF COMPLAINT INVESTIGATED  
WHO - WHAT - WHERE - WHEN - WHY - & - HOW

time: 2000 to 2035 hrs

DATE: 9-29-99

Arrived at Madison Square Garden in NYC  
and inspected all animals at the Ringling Bros,  
Circus. I met with a Mr. Rick Boger who is the  
Unit Sup, for the red unit.

I was escorted throughout the entire holding area  
and observed all animals to be very secure, bright & alert  
clean pens & ample water provided. A count was also  
taken of all the animals present.

14 Elephants

17 Tigers

34 horses

4 Camels

4 Zebras

7 Alpaca's

3 Ostriches

2 yaks

2 goats

2 Mini's

Ample Security Provided, Case closed No Violations observed

sf [signature]  
219

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ASPLA

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THE AMERICAN S. P. C. A.  
CIRCUS INSPECTION REPORT

Date 3-29-99

Name of Show Ringling Brothers

Location Madison Square Garden

What time did you arrive? 2000 hrs. Leave? 2035 hrs.

PERFORMANCES INSPECTED

Morning \_\_\_\_\_ a.m. to \_\_\_\_\_ .m.

Afternoon \_\_\_\_\_ p.m. to \_\_\_\_\_ p.m.

Evening 2000 p.m. to 2035 p.m.

- 1. Any mistreatment of or cruelty to animals? Yes \_\_\_\_\_ No X
- 2. Any animals injured? Yes \_\_\_\_\_ No X
- 3. Any incidents? Yes \_\_\_\_\_ No X

ANIMALS

- 4. Facilities? Good X Fair \_\_\_\_\_ Poor \_\_\_\_\_
- 5. Facilities clean and sanitary? Good X Fair \_\_\_\_\_ Poor \_\_\_\_\_
- 6. Food and water? Good X Fair \_\_\_\_\_ Poor \_\_\_\_\_
- 7. Are animals properly segregated? Yes X No \_\_\_\_\_
- 8. Total hours animals exhibited or worked each day? 3 hours.
- 9. Condition and health of animals? Good X Fair \_\_\_\_\_ Poor \_\_\_\_\_
- 10. Are there any sick or injured animals? Yes \_\_\_\_\_ No X
- 11. Are they suspended from labor? Yes \_\_\_\_\_ No X
- 12. Are animals securely confined? Yes X No \_\_\_\_\_

(Use reverse side to describe irregularities - Refer to Number)

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ASPCA

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Form 10

No. \_\_\_\_\_

**The American Society for the Prevention of Cruelty to Animals**  
**Report of Complaint Investigated**

Time 2000 to 2035 hrs

Date 3-29-99

I investigated the annexed complaint, and report as follows:

Arrived at madison square garden.  
in NYC and inspected all the animals  
Contracted to the Ringling Bros Circus  
I was escorted by one MA.

Submitted \_\_\_\_\_ Spec. Agt. No. \_\_\_\_\_

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ASPLA

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### Activity Card

**A01-000318-1 INSPECTION/CIRCUS**

Priority Level: **DAILY** Total Animals: **0** Animal Type: **OTHER**

Activity Address: **MADISON SQUARE GARDE MANHATTAN NY.**

Activity Comment:

Caller Information:

Result Codes:

Officer: P99021 **MAC DONALD** Clerk: **JUDITHC**

Call Date: 04/02/01 12:00 AM  
New Date: 04/02/01 12:00 AM  
Dispatch Date: 04/02/01 12:00 AM  
Working Date: 04/03/01 12:00 AM  
Complete Date: 04/03/01 12:00 AM

Memo:

03/24/2004 14:46

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Investigation Report

Subject Data		Case # <u>AD-00318</u>	Complaint
Name <u>Ringling brothers</u>		<u>H U</u>	
Address <u>Madison Square Garden</u>			
Phone #		Complainant Notified? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Location Description	Inspection Sequence		
<u>MSG - ARCHA</u>	1. Date: <u>4-2-01</u>	Time: <u>14:00</u>	Disp. Code: <u>NVO</u>
	2. Date:	Time:	Disp. Code:
	3. Date:	Time:	Disp. Code:

Animal Data

Dog <input type="checkbox"/>	Cat <input type="checkbox"/>	Other <input checked="" type="checkbox"/>	Color	Sex: Male <input checked="" type="checkbox"/> / Female <input checked="" type="checkbox"/>
Breed: <u>See animal list</u>		Markings:		Condition:
Age:		Does Animal Require Medical Attention: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Seizure #	Adoption #	Location		

Shelter Description:

Veterinarian Info:

Narrative:

Arrived at location, and met with Mark Ringling who is the general mgr. of the circus. Same escorted us through out the entire arc and everything was found to be in order (See Attached list for all animals present) no injured or sick animals observed. Vet's on staff and present (see inspection report) at this time I am closing out this case as no violations observed

Last Update 02/23/00

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RDFUN

# RINGLING BROS. AND BARNUM & BAILEY CIR

## RED UNIT ANIMAL CENSUS 2001

revised 1/19/01

**ASIAN ELEPHANTS** (*Elphas maximus*)**Owned by RBBB**

10 total

<u>NAME</u>	<u>DOB</u>	<u>SEX</u>	<u>ORIGIN</u>	<u>ID</u>	<u>WT</u>
Asia	1968	F	1990 B. Moore MI.		
Assen	1957	F	1968 Circus Williams, W. Ge.		7900
Baby	1961	F	1968 Circus Williams, W. Ge.		8860
Bananna	1957	F	1968 Circus Williams, W. Ge.		9840
Banko	1976	F	1980 H. Ruhe, W. Ger.		7840
Luna	1984	F	1990 B. Moore MI.		7120
Sarah	1957	F	1968 Circus Williams, W. Ge.		8760
Siam	1978	F	1978 H. Ruhe, W. Ger.		7800
Toby	1961	F	J. Herriott, WI.		8880
Tonka	1984	F	1990 B. Moore MI.		7900

**Owned by Carden Circus**

5 total

Dutchess	1965	F			
Jenny "Ginny"	1965	F			
Judy	1963	F			
BO	1987	M/C			
Vicki	1965	F			

**CAMELS****(Camelus)****Owned by L. Garden**

4 total

<u>NAME</u>	<u>DOB</u>	<u>SEX</u>	<u>SPECIES</u>	<u>COLOR</u>	
Ahmed	1999	M/C	Dromedary	brown	033*305*845
Fatima	1999	F	Dromedary	brown	033*562*065
Karnak	1999	M/C	Dromedary	brown	033*630*872
Sahara	1999	F	Dromedary	brown	033*630*568

**Owned by D. Hale**

4 total

Duke	1998	M	Bactrian	brown	
Maggie Jo	1997	F	Dromedary	brown	
Sally	1997	F	Dromedary	brown	
Major/Toby	1997	M	Bactrian	brown	

**LLAMAS****Owned by Rice**

4 total

1 (Whitey)	1996	N/M		White	
2	1998	N/M		Red/Brown	
3	1996	N/M		H/W	
4	1998	N/M		Brown	

**Yaks****(Bos mutus)**



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Owned by Hale 2 total

Betsy 1997 F  
 Elly 1997 F

B/W  
 B/W

**HORSES** (Equus caballus)

Owned By RBBB 14 total

<u>NAME</u>	<u>DOB</u>	<u>SEX</u>	<u>BREED/COLOR</u>	<u>TATTOO</u>
Flask	1985	S	Arabian/G/W	144
Komandte	1988	S	Arabian/Grey	151
Thunder	1986	S	Arabian/White	145
ConversanoII Ahola aka "Siglavy"	1988	S	Lipizzan/White	150
ConversanoII Medussali aka "Duke"	1992	S	Lipizzan/Grey	1-1
ConversanoII RebaIII	1990	S	Lipizzan/Grey	158
FavoryIV BetsyII	1987	S	Lipizzan/White	748
Garbo	1983	S	Lipizzan/White	578
Maestoso AlabamaII	1992	S	Lippizzan/Grey	119
Maestoso Edesanyal aka "Sonny"	1992	S	Lipizzan/Grey	3-Jan
Samson	1995	S	Lipizzan/Grey	
Champ	1997	S	Minature	B/W
Artoe	1998	S	Friesian/Black	
Owned by I. Garden	4 total			
Emir	1997	S	Arabian/Gray	
Rajah	1998	S	Arabian/Gray	
Sheik	1997	S	Arabian/Gray	
Sultan	1998	S	Arabian/Gray	

**ZEBRAS** (Equus burchelli)

Owned by RBBB 8 total

Zero 4/28/98 N/M  
 Trixie 8/6/99 F  
 Lima 8/3/99 N/M  
 Geashi 9/9/99 N/M  
 Chad 8/27/99 N/M  
 Guinea 8/11/97 N/M  
 Mali 8/4/99 N/M  
 Kerrya 1998 N/M

Grants  
 Grants  
 Grants  
 Grants  
 Grants  
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 Grants  
 Grants

CHIP #  
 033\*121\*341  
 033\*016\*280  
 033\*567\*829  
 033\*633\*065  
 033\*623\*825  
 033\*627\*272

**TIGERS** (Panthera tigris)

Owned by RBBB 12 total

NAME DOB SEX  
 Della 8/1/96 F  
 Flavio 8/1/96 M  
 India 8/1/96 F

BREED/COLOR  
 Bengal  
 Bengal  
 Bengal

ORIGIN  
 B. Bonar, IN.  
 B. Bonar, IN.  
 B. Bonar, IN.

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3/01

King	1990	M	Bengal	ingayika Wildlife,KS
Madress	1990	S/F	Bengal	leury Doorly Zoo, NE
<u>Mousy II</u>	<u>1983</u>	<u>F</u>	<u>Bengal</u>	<u>Lanuhlin, MI City Zoo</u>
Narak	1993	M	Bengal	194 Fawthorn,IL
Princess	1990	F	Bengal	ingayika Wildlife,KS
Rambo	1986	M	Bengal	indar gered Species FI
Rita	1986	F	Bengal	indar gered Species FI
Saber	1990	N/M	Bengal	leury Doorly Zoo, NE
Nala	Jun-95	F	Bengal	
<b>LEOPARD</b>	(Panthera pardus)			
Owned byRBBB	1 total			
Reno	Feb-95	M		1995 Atkinson Bros. FL.

*SENT back to  
FLORIDA*

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ASPCA

FORM 20



THE AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS

424 East 92nd Street  
New York, NY 10128  
(212) 876-7700 Ext. 4450  
(212) 534-8888 Fax

Red  
show.

CIRCUS INSPECTION REPORT

NAME OF SHOW: <b>Hingling Brothers.</b>		DATE: <b>4-8-01</b>	
LOCATION: <b>Madison Square garden.</b>			
WHAT TIME DID YOU ARRIVE? <b>1:10 PM.</b>		LEAVE?	
[REDACTED]			
MORNING:			
AFTERNOON: <b>X</b>			
EVENING:			
ANY MISTREATMENT OF OR CRUELTY TO ANIMALS?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
ANY ANIMALS INJURED?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
ANY INCIDENTS? - - -		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
[REDACTED]			
FACILITIES?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
FACILITIES CLEAN AND SANITARY?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
FOOD AND WATER?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
ARE ANIMALS PROPERLY SEGREGATED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
TOTAL HOURS ANIMALS EXHIBITED OR WORKED EACH DAY?			HOURS
CONDITION AND HEALTH OF ANIMALS?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
ARE THERE ANY SICK OR INJURED ANIMALS?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
ARE THEY SUSPENDED FROM LABOR?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
ARE ANIMALS SECURELY CONFINED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	

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### Activity Card

02-001028-1	INSPECTION / CIR/EX/SHO	CITATION NO:
→ Case #		
Priority Level:	DAILY	Total Animals: 0      Animal Type: OTHER
Activity Address:	MADISON SQUARE GARDE MANHATTAN NY.	
Activity Comment:	CIRCUS INSPECTION OF ALL ANIMALS	
Owner Information:	24106      RINGLING BROTHERS MADISON SQUARE GARDE BLUE EDITION NY NO PHONE	
Officer Information:		Result Codes:
Officer Agent / Investigator:	MAC DONALD      P990002	Clerk: JUDITHC
Call Date:	03/21/02 12:00 AM → Date	
Arrival Date:	03/21/02 12:00 AM	
Dispatch Date:	03/21/02 12:00 AM	
Working Date:	03/21/02 10:40 AM	
Complete Date:	03/21/02 11:30 AM	

03/21/02 SA arrived at Madison Square Garden where SA met with one Alex Vargas super in charge who escorted SA throughout entire circus area, all animal are secure all bright and alert no injuries found on any elephants and ample food and water provided. There are 2 animals not being used in the show 1 camel w/a slight temp. and a tiger with her cub. All others are used in the show all kept secure with clean cages and clean water no injuries. See attached form enclosed(jc).

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ASPCA

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COMPLAINT FORM

DATE REC'D: 3-21-02	REC'D BY: Noe. ALE	CASE #: A02001028
COMPLAINANT (MR./MRS.)		
HOME/WORK ADDRESS:		
APT. #:	BOROUGH: M.	CROSS STREET:
TELEPHONE # (HOME):		(WORK):
VIOLATION CODE:		
ALLEGED COMPLAINT Circus Inspection of all animals		
SUBJECT'S NAME: Ringling Bros.		
NAME OF BUSINESS: Blue edition		
ADDRESS: Madison Square garden		
APT. #:	BOROUGH: M.	CROSS STREET:
TELEPHONE #:		
ADDITIONAL INFORMATION FOR AGENT: check elephants.		

Last Update: 02/23/00

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ASPCA

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# ASPCA

THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Subject Data		Case # <u>A02001028</u>	Complaint <u>Circus Insp.</u>
Name <u>Ringling Circus (Blue edition)</u>			
Address <u>Madison Square Garden</u>			
<u>NY NY</u>			
Phone # <u>941-350-6616</u>		Complaint Notified? Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date:	Time:

Location Description	Inspection Sequence		
<u>Madison Square Garden</u>	1. Date: <u>3-21-02</u>	Time: <u>10:11<sup>30</sup></u>	Disp. Code: <u>UNE</u>
	2. Date:	Time:	Disp. Code:
	3. Date:	Time:	Disp. Code:

Animal Data	
Dog <input type="checkbox"/> Cat <input type="checkbox"/> Other <input type="checkbox"/>	Color _____ Sex: Male <input type="checkbox"/> / Female <input type="checkbox"/>
Breed:	Markings: _____ Condition: <u>Good</u>
Age:	Does Animal Require Medical Attention: Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
Seizure #	Adoption # _____ Location _____
Shelter Description:	
Veterinarian Info: <u>DR. Lindsey DVM (on site)</u>	

Narrative:  
 Arrived at Madison Square Garden where I met with one Alex Vargas SURE in charge who escorted us throughout entire Circus area, all animals are secure all bright & clear, no injuries found on any elephants and ample food & water provided, there are 2 animals no being used in the show a camel w/ a slight limp and a tiger with her new cub. all others are used in the show with a total of 30 min a day. we also observed several snakes and alligators which are being used in the show all kept secure with clean cages and clean water no injuries. See att. form for total of animals with the show. Dr. Lindsey DVM is present with the show and available if for any reason he is needed. at this time I am closing out this case as unguarded  
 of Madison  
 319

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Case No. A02-001028

Ringling Bros. Circus  
(Blue edition)

Total of animals

- 1- elephants
- 10- tigers
- 3- zebra's
- 4- Alpacas
- 2- Goats
- 2- highlander cows
- 2- Mini donkeys
- 2- Mini Ponies
- 2- Zedonks
- 2- white Camels
- 4- horses (Russians)
- 9- Arabians
- 8- alligators
- 6- Typhoons
- 1- Monitor Lizard

Total of (76) animals in show

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ASPCA

1702-001,028

Macdonald  
Stack.



THE AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS

424 East 92nd Street  
New York, NY 10128  
(212) 876-7700 Ext 44  
(212) 534-8888 Fax

# CIRCUS INSPECTION REPORT

Blue add. Edition

NAME OF SHOW:		DATE:	
Kingsley Bros Circus		3-21-02	
LOCATION: Madison Square garden.			
WHAT TIME DID YOU ARRIVE?		LEAVE?	
10:40 AM		11:30 AM	
[REDACTED]			
MORNING:	<input checked="" type="checkbox"/>	1 Fe Tiger w/ cubs	
AFTERNOON:		1 Camel NOT in show	
EVENING:			
ANY MISTREATMENT OF OR CRUELTY TO ANIMALS?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
ANY ANIMALS INJURED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
ANY INCIDENTS?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
[REDACTED]			
FACILITIES?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
FACILITIES CLEAN AND SANITARY?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
FOOD AND WATER?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
ARE ANIMALS PROPERLY SEGREGATED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
TOTAL HOURS ANIMALS EXHIBITED OR WORKED EACH DAY?		HOURS	
35 MIN			
CONDITION AND HEALTH OF ANIMALS?	GOOD <input checked="" type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
ARE THERE ANY SICK OR INJURED ANIMALS?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
ARE THEY SUSPENDED FROM LABOR?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
ARE ANIMALS SECURELY CONFINED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	