

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <u>et al.</u> ,)	
)	Civ. No. 03-2006 (EGS)
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROS. AND BARNUM)	
& BAILEY CIRCUS, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**PLAINTIFF AMERICAN SOCIETY FOR PREVENTION
OF CRUELTY TO ANIMALS' RESPONSES AND
OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff American Society for the Prevention of Cruelty to Animals ("ASPCA") hereby offers the following objections and responses to Defendants' First Set of Interrogatories to the ASPCA.

DEFINITIONS

1. As used herein, "irrelevant" means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. The ASPCA's general objections, as set forth herein, are to be considered continuing objections and responses to the specific Interrogatories that follow, even if not referred to in the objection and response to a specific Interrogatory. The ASPCA's

Objection and Response to Interrogatory No. 3:

ASPCA objects to this Interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving this objection, ASPCA states that Dr. Larry Hawk, former President and CEO of the ASPCA, currently president of the Massachusetts Society for the Prevention of Cruelty to Animals: 350 South Huntington Av., Boston, MA 02130 ((617) 541-5101), and Lisa Weisberg (see answer to previous Interrogatory for Ms. Weisberg's address and phone number), had decision-making responsibility regarding whether to file this lawsuit.

Interrogatory No. 4:

Identify each of your employees or volunteers who has any training or experience in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience.

Response:

None.

Interrogatory No. 5:

Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

Objection and Response to Interrogatory No. 5:

The ASPCA objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Tom Rider saw mistreatment of elephants virtually every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. This included, but was not limited to, handlers and trainers hitting elephants with bull hooks and other instruments, beating elephants, and keeping the elephants chained for long periods of time, both on and off the train. These incidents are too numerous to describe in detail. In addition, the ASPCA alleges that this kind of mistreatment occurs

each day at Ringling Bros., and for that reason also, the incidents of harm are too numerous to list. Subject to and without waiving the foregoing or general objections to these Interrogatories, the ASPCA provides an answer to this Interrogatory below.

June 4, 1997, Austin, TX - Mr. Rider saw Ringling Bros. handlers use a bull hook to poke and stab elephants.

June 12-15, 1997, Lubbock, TX. Mr. Rider saw handlers hook elephants, and use the bull hook in an abusive way to make the elephants raise their legs.

June 19-22, 1997, Little Rock, ARK. Mr. Rider saw Ringling Bros. handlers doing a lot of hooking and hitting elephants with bull hooks. In Little Rock, the elephants were taken off the train, put into a building, and chained the entire time, except when they were either performing or rehearsing.

June 24-25, 1997, Tulsa, OK. Mr. Rider saw elephants hit and hooked with bull hooks.

June 27-29, 1997, Oklahoma City, OK. Mr. Rider observed handlers hooking, poking, and stabbing elephants with bull hooks. Whenever the handlers came in to clean the elephants, they hooked and hit the animals.

July 3-6, 1997, Memphis, TN. Mr. Rider saw elephants get panicky because fireworks were going off, and the handlers reacted by hitting the elephants with bull hooks to make them settle down.

July 8-9, 1997, Tupelo, Miss. Mr. Rider saw Graham Chipperfield use a bull hook on the elephant Karen – he hooked her under her leg so hard he almost tripped her; other handlers were hooking and poking and stabbing the elephants.

July 11, 1997, Jacksonville, MS. Mr. Rider witnessed handlers Jeff Pettigrew, Franko, Sonny, and others, hooking and hitting elephants with bull hooks.

July 15-27, 1997, Houston, TX. Mr. Rider witnessed the elephants kept chained in a row for most of the time; the only time they were taken outside was to get water.

July 30-August 10, 1997, Dallas, TX. Mr. Rider witnessed handlers hit, stab and poke elephants with bull hooks.

August 15-17, 1997, Ft. Worth, TX. Mr. Rider witnessed the elephants kept inside the building the whole time, with no exercise, chained up. Every time the handlers came in to clean up the elephants, they hooked and hit the elephants with bull hooks.

August 21-24, 1997, New Orleans, LA. Mr. Rider witnessed the elephants kept inside the Superdome the entire time, and he witnessed a lot of hitting and stabbing of the elephants with bull hooks.

August 29-31, 1997, Wichita, KS. Mr. Rider witnessed the elephants kept inside the coliseum the entire time, and whenever the handlers laid the elephants down, they hit them with bull hooks.

Sept. 9-12, 1997, Milwaukee, WI. Mr. Rider witnessed the elephants being hooked and hit with bull hooks. When the handlers came in to clean up the elephants, they would hook and hit the animals with bull hooks.

Sept. 12-14, 1997, Moline, IL. Mr. Rider saw the elephants chained up all day long, except when they were rehearsing or performing. He also saw handlers hook and hit the elephants with bull hooks every day.

Sept 17-21, 1997, Kansas City, MO. Mr. Rider observed that the elephants were kept inside the building, with no exercise, chained the entire time except when they were performing or rehearsing, and they were hooked and hit repeatedly.

Sept. 24-28, 1997, Indianapolis, IN. Mr. Rider witnessed the elephants chained the entire time, except when they went into the arena or to do a show, and he saw handlers hook and hit the elephants whenever they cleaned them.

Oct. 1-5, 1997, Detroit, MI. Mr. Rider saw Jeff Pettigrew hook and hit elephants.

Oct. 8-19, 1997, Boston, MA. Mr. Rider observed that the elephants were inside the entire time and did not get any exercise, they were chained for most of the day, and poked and hit with bull hooks.

Oct. 22-26, 1997, Pittsburgh, PA. Mr. Rider saw Alex Vargas hit the elephants, and the elephants were screaming.

Oct. 29- Nov. 2, 1997, Buffalo, NY. Mr. Rider saw handlers hook and hit elephants repeatedly, when the elephants were being taken on and off the train.

Nov. 5-9, 1997, St. Louis, MO. Mr. Rider saw the elephants hooked and hit when they were being cleaned.

Winter Quarters, 1997, Tampa, FL. Mr. Rider witnessed elephants hit with bull hooks during rehearsals.

Jan. 15-18, 1998, Orlando, FL. Mr. Rider saw Randy Peterson hit elephants with bull hooks.

Jan. 21-25, 1998, Birmingham, AL. Mr. Rider saw elephants hooked and hit with bull hooks.

Jan. 28- Feb. 1, 1998, Asheville, NC. Mr. Rider witnessed handlers hit elephants with bull hooks as they got off the train and as they walked in the snow, to make the elephants walk faster.

Feb. 3-8, 1998, Knoxville, TN. Mr. Rider observed handlers hook and hit elephants.

Feb 11-15, 1998, Greensboro, NC. Mr. Rider observed Randy Peterson hit and hook elephants with bull hooks.

Feb 18-22, 1998, Richmond, VA. Mr. Rider witnessed Andy Weller and Jeff Pettigrew beat the elephants Zina and Rebecca severely; when they were done beating the elephants, Mr. Rider had to use the product "wonder dust" to cover up about 30 hook wounds on Zina, and 20 wounds on Rebecca..

Feb. 25 - March 1, 1998, Knoxville, VA. Mr. Rider witnessed that the elephants were inside the entire time, on chains, except when they were performing or rehearsing.

March 10-15, 1998, East Rutherford, NJ. Mr. Rider witnessed that the elephants were inside the entire time, chained; he saw Randy Peterson beat the elephants Minnie and Kamala with a bull hook.

March 17-23, 1998, Uniondale, NY. Mr. Rider saw handlers hit and hook elephants with bull hooks.

March 27-April 13, 1998, New York City, NY. On the 5th floor of Madison Square Garden, Mr. Rider witnessed that the elephants were chained up all day long, except when they were rehearsing or performing. He also saw the elephants hooked, hit, and smacked around by handlers.

April 15-26, 1998, Philadelphia, PA. Mr. Rider witnessed Adam Hill hit and hook elephants with a bull hook.

April 29- May 29, 1998, Providence, RI. Mr. Rider witnessed that the elephants were inside, chained most of the time, and got no exercise. He saw them hooked when they were brought off the train, and hooked and hit when they were being cleaned.

May 5-6, 1998, Springfield, MA. Mr. Rider saw handlers repeatedly hit and hook the elephants with bull hooks, and the elephants were chained most of the time.

May 8-10, 1998, Worcester, MA. Mr. Rider observed that the elephants were inside and chained most of the time, and the handlers hooked and hit the elephants.

May 12-13, 1998, New Haven, CT. Mr. Rider saw Pat Harned beat the baby elephant Benjamin because he was playing with another baby named Shirley. He also saw Harned beat the elephant Karen, when she rattled her chain; Harned beat her for 23 minutes.

May 15-17, 1998, Hartford, CT. Mr. Rider witnessed handlers poke and hit elephants with bull hooks; he saw the baby elephants Benjamin and Shirley hit with bull hooks.

May 23-25, 1998, Hershey, PA. Mr. Rider saw handlers hit elephants with bull hooks.

May 28-31, 1998, Albany, NY. Mr. Rider saw handlers hook and hit elephants with bull hooks.

June 2-3, 1998, Syracuse, NY. Mr. Rider saw the elephants hit and hooked with bull hooks by handlers.

June 5-7, 1998, Rochester, NY. Mr. Rider witnessed handlers hit elephants with bull hooks.

June 11-14, 1998, Washington, KY. Mr. Rider saw handlers hook and hit elephants with bull hooks on the walk going to and from the train, and when the elephants were being cleaning up at night.

June 18-21, 1998, Lubbock, TX. Mr. Rider saw Tony Rodriquez and Randy Peterson hit elephants with bull hooks.

July 1-15, 1998, Phoenix, AZ. Mr. Rider saw elephants hit and hooked by handlers.

July 8 -12, 1998, Fresno, CA. Mr. Rider saw lots of hitting and hooking of the elephants on and off the train.

July 22-26, 1998, Los Angeles, CA. Mr. Rider witnessed handlers hitting elephants on the 3.5 mile walk from the train, and after the elephants arrived at the arena.

July 28 - Aug 4, 1998, Anaheim, CA. Mr. Rider saw Pat Harned and Randy Peterson hit the elephant Lechme with a bull hook.

Aug. 6-9, 1998, Englewood, CA. Mr. Rider observed handlers hooking and hitting elephants during the walk, and during the warm up before the show; he saw handlers hit the elephants with bull hooks behind their legs to make them go faster.

Aug. 12-16, 1998, San Diego, CA. Mr. Rider saw handlers hook and hit elephants on and off the train.

Aug. 25-30, 1998, San Jose, CA. Mr. Rider witnessed elephants struck with bull hooks behind their ears.

Sept. 2-7, 1998, San Francisco, CA. Mr. Rider saw Adam Hill smack an elephant on the trunk, and Robby Costillo stab elephants under their chins to make them raise their trunks up.

Sept. 9-13, 1998, Sacramento, CA. Mr. Rider saw handlers hit elephants when they got off the train and during the long walk to the arena.

Sept. 17-20, 1998, Seattle, WA. Mr. Rider saw the elephants chained for most of the day in a small room, and he saw handlers hit and hook them with bull hooks.

Sept. 22-23, 1998, Spokane, WA. Mr. Rider saw handlers hook and hit elephants on the train and when they went into the show warm up before the show.

Sept. 25-27, 1998, Portland, OR. Mr. Rider witnessed handlers hook and hit the elephants repeatedly on the train, and during warm up.

Sept. 30-Oct. 4, 1998, Salt Lake City, UT. Mr. Rider saw handlers hit the elephants with bull hooks.

Oct. 7 - 18, 1998, Denver, CO. Mr. Rider witnessed elephants hooked and hit with bull hooks.

Oct. 23 - Nov. 1, 1998, Cleveland, OH. Mr. Rider witnessed handlers hook and hit elephants with bull hooks on and off the train.

Nov. 4-15, 1998, Rosemont, IL. Mr. Rider observed Randy Peterson beat the elephant Nicole.

Nov. 17-29, 1998, Chicago, IL. Mr. Rider saw handlers hook and hit elephants with bull hooks.

Dec. 3-6, 1998, Huntsville, AL. Mr. Rider observed handlers hooking and hitting elephants, when they were coming off the train. He saw Adam Hill hit the elephants Karen and Sophie with a bull hook.

Winter Quarters, 1998, Tampa, FL. Mr. Rider saw the elephants chained the majority of the time, even though this is the only time during the year when they are not on the road performing.

Dec. 26, 1998 - Jan 3, 1999, Miami, FL. Mr. Rider witnessed handlers hooking and hitting elephants to get them into the arena. He saw a handler named Scott hit elephants with a bull hook.

Jan. 7-10, 1999, Sunrise, FL. Mr. Rider witnessed daily hooking and hitting of elephants.

Jan 14-18, 1999, Jacksonville, FL. Mr. Rider saw elephants hit with bull hooks.

Jan. 21-24, 1999, North Charleston, SC. Mr. Rider witnessed handlers hooking and hitting elephants with bull hooks repeatedly.

Jan. 28-31, 1999, Macomb, GA. Mr. Rider saw elephants hit with bull hooks every day; if they did not do something right, they got hooked and hit.

Feb. 2-3, 1999, Augusta, GA. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 5-7, 1999, Columbia, SC. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 10-14, 1999, Raleigh, NC. Mr. Rider witnessed handlers hit and hook the elephants with bull hooks.

Feb. 17-21, 1999, Charlotte, NC. Mr. Rider saw handlers hit the elephants with bull hooks when they were getting the animals off the train and during the walk.

Feb. 25-28, 1999, Fayetteville, NC. Mr. Rider saw the elephants hooked and hit repeatedly by handlers.

March 3-7, 1999, Cincinnati, OH. Mr. Rider saw the elephants hit with bull hooks as they got off the train, and as they were walked down and put in tents; Mr. Rider saw Randy Peterson hit the elephant Nicole on the head with a bull hook.

March 10-21, 1999, Baltimore, MD. Mr. Rider witnessed the elephants hit with bull hooks.

March 24-28, 1999, Washington, DC. Mr. Rider observed handlers hook and hit elephants inside the arena, and he saw Pat Harned beat the baby elephant Benjamin.

April 16-18, 1999, Landover, MD. Mr. Rider saw handlers hit elephants with bull hooks.

April 22-25, 1999, Charleston, WV. Mr. Rider witnessed handlers hook elephants as they took them off the train; he also saw handlers hit elephants with bull hooks inside the arena, and when the elephants went into the show, and he saw handlers beat the elephants with bull hooks behind their legs.

April, 1999, Chattanooga, TN. Mr. Rider witnessed handlers beat elephants named Sophie and Karen; and he also saw a severe beating of the elephant Nicole.

May 5-8, 1999, Tulsa, OK. Mr. Rider observed handlers hooking elephants as they took them off the train, on the walk, and when they got to the arena.

May 12-16, 1999, San Antonio, TX. Mr. Rider saw Adam Hill beat the elephants with bull hooks.

May 26-30, 1999, Ft. Wayne, IN. Mr. Rider saw elephants hooked and hit on the walk; it was raining, and the handlers were smacking the elephants to make them go faster.

June 2-6, 1999, Columbus, OH. Mr. Rider again saw handlers hook and hit elephants on the train, before the animals went into the show, and whenever the animals did not do something right.

June 9-13, 1999, Toledo, OH. Mr. Rider saw handlers hook and hit elephants on the train, and when the animals were being taken off the train.

June 23-27, 1999, Ottawa, Ontario, Canada. Mr. Rider saw Adam Hill, Pat Harned, and Randy Peterson beat the elephants with bull hooks, to get them back in the pen.

July 2-11, 1999, Toronto, Ontario, Canada. Mr. Rider saw elephants hit with bull hooks.

July 16-25, 1999, Houston, TX. Mr. Rider saw Pat Harned hit Benjamin with a bull hook, and he saw handlers hit and hook the other elephants as well.

Aug. 11-15, 1999, Ft. Worth, TX. Mr. Rider witnessed handlers hook and hit elephants with bull hooks.

Aug. 18-22, 1999, Colorado Spring, CO. Mr. Rider saw handlers hit elephants with bull hooks.

Aug. 26-29, 1999, Wichita, KS. Mr. Rider witnessed handlers hitting elephants with bull hooks.

Sept. 2-5, 1999, Moline, IL. Mr. Rider saw elephants hooked and hit repeatedly, on the train and before the show.

Sept. 8-27, 1999, Kansas City, MO. Mr. Rider saw lots of hooking and hitting of elephants with bull hooks.

Sept. 15-19, 1999, Indianapolis, IN. Mr. Rider saw elephants hit and hooked with bull hooks.

Sept. 22-25, 1999, Grand Rapids, MI. Mr. Rider saw elephants hooked and hit with bull hooks; he saw Randy Peterson beating elephants.

Sept. 30-Oct. 3, 1999, Buffalo, NY. Mr. Rider saw lots of hooking and hitting of elephants.

Oct. 7-10, 1999, Detroit, MI. Mr. Rider witnessed hooking and hitting of the elephants.

Oct. 15-24, 1999, Boston, MA. Mr. Rider observed a handler named James, who came up from the Ringling Bros. breeding farm in Florida, hit an elephant with a bull hook. There were five baby elephants there, and Mr. Rider saw Gary Jacobson and Dave Whaley hitting and hooking the baby elephants.

Oct. 27-31, 1999, Pittsburgh, PA. Mr. Rider again saw handlers hit and hook elephants with bull hooks.

Additional incidents when Ringling Bros. employees harmed one or more of their elephants are recorded on videotapes that plaintiffs are producing in response to the defendants' document production request. They were observed by several people, including one or more of the following videographers:

Deniz Bolbol	P.O. Box 5656 Redwood City, CA 94063 650-654-9955
Kindall Cross	WTAE-TV 400 Ardmore Blvd. Pittsburgh, PA 15221 412-242-4300
Joseph Patrick CuvIELLO	P.O. Box 2834 Redwood City, CA 94064 650-369-5533
Tracey DeMartini	245-M Mt. Hermon Rd. #276 Scotts Valley, CA 95066 510-601-1807
Pat Derby	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809

Chris Green Defenders of Animal Rights in Tulsa
7107 S. Yale Ave.
Tulsa, OK 74136

Barbara Grove 650-430-0989

Alfredo Kuba 500 W. Middlefield Rd, #178
Mountain View, CA 94043
650-965-8705

Tom Rider c/o 706 Taft
Washington, IL 61571
309-444-3782

Ed Stewart Performing Animal Welfare Society
P.O. Box 849
Galt, CA 95632
209-745-1809

Those incidents include the following:

Cow Palace
Daly City, CA
2000 Troy Metzler hit elephants with bull hooks
Dave Whaley hooked elephants with a bull hook, hit
elephants on legs; Dave Whaley used a leatherman/knife to
clip an elephant on its side;
Elephants were chained most of the time

San Jose, CA
2000 Handlers hit elephants, including babies, with bull hooks
under their chins; Brian Christiani jabbed elephants with a
bull hook

Tulsa, OK
Jan. 5, 2001 Sonny hooked an elephant; Sara Houcke jabbed an elephant
with a bull hook

San Jose, CA
2001 Handlers hit elephants with bull hooks

Aug./ Sept. 2001
Daly City, CA. Handlers, including Rick Bogar hit elephants with bull
hooks; Mark Gebel used a bull hook on elephants

Nov. 1, 2001 Pittsburgh, PA.	Handlers Troy Metzler and Sonny hit elephants with bull hooks
Tulsa, OK. 2000	Robert Ridely ("Sonny") got a bull hook stuck in an elephant's mouth
Oakland, CA Aug. 18, 2002	Troy Metzler hit elephants with bull hooks; The baby elephant named Doc was chained and exhibiting stereotypic behavior
Daly City, CA Aug. 25, 2002	Jeff Pettigrew stuck a bull hook in an elephant's mouth and twisted it
San Jose, CA Aug. 25, 2002	Troy Metzler used a bull hook in the mouth of an elephant; and hooked the baby elephant named Doc
Oakland, CA 2000	Sonny and Brian Christiani hit elephants with bull hooks
San Jose, CA August 21, 2002	Jeff Pettigrew jabbed elephants with a bull hook
September 3, 2002	Troy Metzler hit elephants with a bull hook, and grabbed the trunk of an elephant with a bull hook
Daly City, CA Aug. 26, 2002	A handler hit the baby elephant Angelica under the chin with a bull hook
San Jose, CA Aug. 24, 2004	A handler jabbed an elephant's foot with a bull hook; a handler grabbed an elephant with a bull hook
San Jose, CA 2001	Handlers jabbed and hit elephants with bull hooks
Daly City, CA 2001	Rick Bogar hit an elephant with a bull hook

Sacramento, CA 1999	Roy Wells jabbed an elephant with a bull hook
Daly City, CA 1999	A handler hooked an elephant on the ear
San Jose, CA 1998	Sonny jabbed an elephant with a bull hook
Atlanta, GA. Feb. 21, 2002	Handlers grabbing elephants behind ears with bull hooks
Daly City, CA 2001	Bogar used a bull hook on an elephant
San Jose, CA Aug. 25, 2002	Handlers hooked elephants in their mouths
Sacramento, CA Sept., 2002	A handler hooked a baby elephant on its trunk and jabbed it under its chin
Oakland, CA Aug. 21, 2003	Handlers used bull hooks on elephants; a handler stepped on the trunk of an elephant and hit an elephant with a bull hook
San Jose, CA Sept. 5, 2003	A handler hooked and jabbed elephants; Bogar hit an elephant on its trunk with a bull hook; Sasha Houke used a bull hook on elephants
Daly City, CA Sept., 2003	Alex Petrov jabbed an elephant with a bull hook
Reno, NV. Sept., 2003	Handlers pulled elephants with bull hooks; jabbed elephants with bull hooks

Addition incidents of harm include the following:

Additional incidents of beatings, hitting of elephants with bull hooks and other instruments, and prolonged chaining, witnessed by Kelly Tansy, when he worked for Ringling Bros.: 1829 West Gardner, Spokane, WA 99201 (509) 327-5988

Madison Square Garden, NYC - Spring, 1984 or 1985: In the evening, a New York City police officer, Joe Pentangelo, witnessed the beating of a chained elephant with a shovel for 5-10 minutes. Mr. Pentangelo currently works for the ASPCA, 424 92nd Street, New York, New York 10128-6804 (212) 876-7700.

Mexico, 1998 - During the off-loading of elephants, Gunther Gebel-Williams struck two baby elephants in the face with a whip, witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Mexico, 1998 - During a performance, Gunther Gebel-Williams struck elephants - witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

October, 2002 - Auburn Hills, Michigan - A Ringling Bros. handler struck an elephant with a metal rod behind her front leg, witnessed by Doreen Rudnick, 6832 Fredmoor Street, Troy, MI 48098.

In further response to this Interrogatory, the ASPCA hereby incorporates by reference the specific incidents set forth in the sworn affidavit that Mr. Rider provided to the United States Department of Agriculture on July 20, 2000 which is being provided by Mr. Rider in response to defendants' document production request to Mr. Rider. The ASPCA also incorporates by reference all of the information that is contained in the report prepared by the ASPCA, the Fund for Animals, and the Animal Welfare Institute, entitled: "Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants" (September 2003) (hereinafter referred to as the "USDA Report"). That document is also being produced by plaintiffs in response to defendants' document production requests. The ASPCA further incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Bros. personnel striking elephants with bull hooks, brooms, and other instruments, and keeping the elephants chained for long periods of time, as

recorded on the videotapes that plaintiffs are producing in response to defendants' document production requests.

Interrogatory No. 6:

Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

Objection and Response to Interrogatory No. 6:

The ASPCA hereby incorporates the same objections and response that it made with respect to Interrogatory No. 5. In addition, Ringling Bros. "takes" both the adult and baby elephants when it removes baby elephants from their mothers and other members of their families.

Interrogatory No. 7:

State the date on which you first became aware of defendants' alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

Response to Interrogatory No. 7:

The ASPCA does not recall when it first became aware of defendants' mistreatment of Benjamin, but believes it was some time in 1999, or early 2000.

Interrogatory No. 8:

State the date on which you first became aware of defendants' alleged mistreatment of Kenny, and describe each incident in which you contend that Kenny was mistreated.

Response to Interrogatory No. 8:

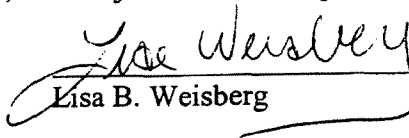
The ASPCA does not remember when it first learned of defendants' alleged mistreatment of Kenny, but believes it was sometime in 1999 or early 2000. The facts concerning at least one incident of severe mistreatment, resulting in Kenny's death, are recounted in Chapter II of the USDA Report, which is hereby incorporated by reference.

VERIFICATION

CITY OF NEW YORK)
)
STATE OF NEW YORK)

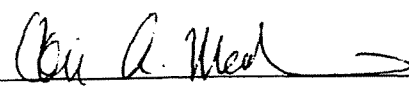
LISA B. WEISBERG, being duly sworn, says:

I am employed by the American Society for the Prevention of Cruelty to Animals ("ASPCA") as the Senior Vice President, Government Affairs and Public Policy, and Senior Policy Advisory. The ASPCA is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff ASPCA and know the contents thereof; and, upon information and belief, said Objections and Responses are true and correct.



Lisa B. Weisberg

Sworn to before me this
11th day of June, 2004



Notary Public

My Commission Expires:

CORI A. Menkin
Notary Public, State of New York
No. 02ME6070020
Qualified in Westchester County
Commission Expires February 19, 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u> ,)	
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)	
Plaintiffs,)	Civ. No. 00-01641 (EGS)
)	
v.)	
)	
RINGLING BROS. AND BARNUM & BAILEY CIRCUT, <u>et al.</u> ,)	
)	
Defendants.)	

**PLAINTIFF ANIMAL WELFARE INSTITUTE’S RESPONSES AND
OBJECTIONS TO DEFENDANTS’ FIRST SET OF INTERROGATORIES TO
PLAINTIFFS AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY
TO ANIMALS, ANIMAL WELFARE INSTITUTE, AND FUND FOR ANIMALS**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties,
plaintiff Animal Welfare Institute (“AWI”) hereby offers the following objections and
responses to Defendants’ First Set of Interrogatories to AWI.

DEFINITIONS

1. As used herein, “irrelevant” means not relevant to the subject matter of
this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. AWI’s general objections, as set forth herein, are to be considered
continuing objections and responses to the specific Interrogatories that follow, even if not
referred to in the objection and response to a specific Interrogatory. AWI’s objections

Interrogatory No. 5:

Describe every incident in which you contend that one or more of defendants' employees harmed one of defendants' elephants.

Objection and Response to Interrogatory No. 5:

AWI objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Plaintiff Tom Rider saw mistreatment of elephants almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. This included, but was not limited to, handlers and trainers hitting elephants with bull hooks and other instruments, beating elephants, and keeping the elephants chained for long periods of time, both on and off the train. These incidents are too numerous to describe in detail. In addition, AWI alleges that this kind of mistreatment occurs routinely at Ringling Bros., and for that reason also, the incidents of harm are too numerous to list.

Subject to and without waiving the foregoing or general objections to these Interrogatories, AWI provides a list of incidents responsive to this Interrogatory below.

June 4, 1997, Austin, TX. Mr. Rider saw Ringling handlers use a bull hook to poke and stab elephants.

June 12-15, 1997, Lubbock, TX. Mr. Rider saw handlers hook elephants, and use the bull hook in an abusive way to make the elephants raise their legs.

June 19-22, 1997, Little Rock, ARK. Mr. Rider saw Ringling handlers doing a lot of hooking and hitting elephants with bull hooks. In Little Rock, the elephants were taken off the train, put into a building, and chained the entire time, except when they were either performing or rehearsing.

June 24-25, 1997, Tulsa, OK. Mr. Rider saw elephants hit and hooked with bull hooks.

June 27-29, 1997, Oklahoma City, OK. Mr. Rider observed handlers hooking, poking, and stabbing elephants with bull hooks. Whenever the handlers came in to clean the elephants, they hooked and hit the animals.

July 3-6, 1997, Memphis, TN. Mr. Rider saw elephants get panicky because fireworks were going off, and the handlers reacted by hitting the elephants with bull hooks in an effort to make them settle down.

July 8-9, 1997, Tupelo, Miss. Mr. Rider saw Graham Chipperfield use a bull hook on the elephant Karen – he hooked her under her leg so hard he almost tripped her; other handlers were hooking and poking and stabbing the elephants.

July 11, 1997, Jacksonville, MS. Mr. Rider witnessed handlers Jeff Pettigrew, Franko, Sonny, and others, hooking and hitting elephants with bull hooks.

July 15-27, 1997, Houston, TX. Mr. Rider witnessed the elephants kept chained in a row for most of the time; the only time they were taken outside was to get water.

July 30-August 10, 1997, Dallas, TX. Mr. Rider witnessed handlers hit, stab and poke elephants with bull hooks.

August 15-17, 1997, Ft. Worth, TX. Mr. Rider witnessed the elephants kept inside the building the whole time, with no exercise, chained up. Every time the handlers came in to clean up the elephants, they hooked and hit the elephants with bull hooks.

August 21-24, 1997, New Orleans, LA. Mr. Rider witnessed the elephants kept inside the Superdome the entire time, and he witnessed a lot of hitting and stabbing of the elephants with bull hooks.

August 29-31, 1997, Wichita, KS. Mr. Rider witnessed the elephants kept inside the coliseum the entire time, and whenever the handlers laid the elephants down, they hit them with bull hooks.

Sept. 9-12, 1997, Milwaukee, WI. Mr. Rider witnessed the elephants being hooked and hit with bull hooks. When the handlers came in to clean up the elephants, they would hook and hit the animals with bull hooks.

Sept. 12-14, 1997, Moline, IL. Mr. Rider saw the elephants chained up all day long, except when they were rehearsing or performing. He also saw handlers hook and hit the elephants with bull hooks every day.

Sept 17-21, 1997, Kansas City, MO. Mr. Rider observed that the elephants were kept inside the building, with no exercise, chained the entire time except when they were performing or rehearsing, and they were hooked and hit repeatedly.

Sept. 24-28, 1997, Indianapolis, IN. Mr. Rider witnessed the elephants chained the entire time, except when they went into the arena or to do a show, and he saw handlers hook and hit the elephants whenever they cleaned them.

Oct. 1-5, 1997, Detroit, MI. Mr. Rider saw Jeff Pettigrew hook and hit elephants.

Oct. 8-19, 1997 Boston, MA. Mr. Rider observed that the elephants were inside the entire time and did not get any exercise, they were constantly chained, and poked and hit with bull hooks.

Oct. 22-26, 1997, Pittsburgh, PA. Mr. Rider saw Alex Vargas hit the elephants, and the elephants were screaming.

Oct. 29- Nov. 2, 1997, Buffalo, NY. Mr. Rider saw handlers hook and hit elephants constantly, when the elephants were being taken on and off the train.

Nov. 5-9, 1997, St. Louis, MO. Mr. Rider saw the elephants hooked and hit when they were being cleaned.

Winter Quarters, 1997, Tampa, FL. Mr. Rider witnessed elephants hit with bull hooks during rehearsals.

Jan. 15-18, 1998, Orlando, FL. Mr. Rider saw Randy Peterson hit elephants with bull hooks.

Jan. 21-25, 1998, Birmingham, AL. Mr. Rider saw elephants hooked and hit with bull hooks.

Jan. 28- Feb. 1, 1998, Asheville, NC. Mr. Rider witnessed handlers hit elephants with bull hooks as they got off the train and as they walked in the snow, to make the elephants walk faster.

Feb. 3-8, 1998, Knoxville, TN. Mr. Rider observed handlers hook and hit elephants.

Feb 11-15, 1998, Greensboro, NC. Mr. Rider observed Randy Peterson hit and hook elephants with bull hooks.

Feb 18-22, 1998, Richmond, VA. Mr. Rider witnessed Andy Weller and Jeff Pettigrew beat the elephants Zina and Rebecca severely; when they were done beating the elephants, Mr. Rider had to use "wonder dust" to cover up about 30 hook wounds on Zina, and 20 wounds on Rebecca.

Feb. 25 - March 1, 1998, Knoxville, VA. Mr. Rider witnessed that the elephants were inside the entire time, on chains, except when they were performing or rehearsing.

March 10-15, 1998, East Rutherford, NJ. Mr. Rider witnessed that the elephants were inside the entire time, chained; he saw Randy Peterson beat the elephants Minnie and Kamala with a bull hook.

March 17-23, 1998, Uniondale, NY. Mr. Rider saw handlers hit and hook elephants with bull hooks.

March 27-April 13, 1998, New York City, NY. On the 5th floor of Madison Square Garden, Mr. Rider witnessed that the elephants were chained up all day long, except when they were rehearsing or performing. He also saw the elephants hooked, hit, and smacked around by handlers.

April 15-26, 1998, Philadelphia, PA. Mr. Rider witnessed Adam Hill hit and hook elephants with a bull hook.

April 29- May 29, 1998, Providence, RI. Mr. Rider witnessed that the elephants were inside, chained most of the time, and got no exercise. He saw them hooked when they were brought off the train, and hooked and hit when they were being cleaned.

May 5-6, 1998, Springfield, MA. Mr. Rider saw handlers constantly hit and hook the elephants with bull hooks, and the elephants were chained most of the time.

May 8-10, 1998, Worcester, MA. Mr. Rider observed that the elephants were inside and chained most of the time, and the handlers hooked and hit the elephants.

May 12-13, 1998, New Haven, CT. Mr. Rider saw Pat Harned beat the baby elephant Benjamin because he was playing with another baby named Shirley. He also saw Harned beat the elephant Karen, when she rattled her chain; Harned beat her for 23 minutes.

May 15-17, 1998, Hartford, CT. Mr. Rider witnessed handlers poke and hit elephant with bull hooks; he saw the baby elephants Benjamin and Shirley hit with bull hooks.

May 23-25, 1998, Hershey, PA. Mr. Rider saw handlers hit elephants with bull hooks.

May 28-31, 1998, Albany, NY. Mr. Rider saw handlers hook and hit elephants with bull hooks.

June 2-3, 1998, Syracuse, NY. Mr. Rider saw the elephants hit and hooked with bull hooks by handlers.

June 5-7, 1998, Rochester, NY. Mr. Rider witnessed handlers hit elephants with bull hooks.

June 11-14, 1998, Washington, KY. Mr. Rider saw handlers hook and hit elephants with bull hooks on the walk going to and from the train, and when the elephants were being cleaning up at night.

June 18-21, 1998, Lubbock, TX. Mr. Rider saw Tony Rodriguez and Randy Peterson hit elephants with bull hooks.

July 1-15, 1998, Phoenix, AZ. Mr. Rider saw elephants hit and hooked by handlers.

July 8 -12, 1998, Fresno, CA. Mr. Rider saw lots of hitting and hooking of the elephants on and off the train.

July 22-26, 1998, Los Angeles, CA. Mr. Rider witnessed handlers hitting elephants on the 3.5 mile walk from the train, and after the elephants arrived at the arena.

July 28 - Aug. 4, 1998, Anaheim, CA. Mr. Rider saw Pat Harned and Randy Peterson hit the elephant Lechme with a bull hook.

Aug. 6-9, 1998, Englewood, CA. Mr. Rider observed handlers hooking and hitting elephants during the walk, and during the warm up before the show; he saw handlers hit the elephants with bull hooks behind their legs to make them go faster.

Aug. 12-16, 1998, San Diego, CA. Mr. Rider saw handlers hook and hit elephants on and off the train.

Aug. 25-30, 1998, San Jose, CA. Mr. Rider witnessed elephants struck with bull hooks behind their ears.

Sept. 2-7, 1998, San Francisco, CA. Mr. Rider saw Adam Hill smack an elephant on the trunk, and Robby Costillo stab elephants under their chins to make them raise their trunks up.

Sept. 9-13, 1998, Sacramento, CA. Mr. Rider saw handlers hit elephants when they got off the train and during the long walk to the arena.

Sept. 17-20, 1998, Seattle, WA. Mr. Rider saw the elephants chained constantly in a small room, and he saw handlers hit and hook them with bull hooks.

Sept. 22-23, 1998, Spokane, WA. Mr. Rider saw handlers hook and hit elephants on the train and when they went into the show warm up before the show.

Sept. 25-27, 1998, Portland, OR. Mr. Rider witnessed handlers hook and hit the elephants constantly on the train, and during warm up.

Sept. 30 - Oct. 4, 1998, Salt Lake City, UT. Mr. Rider saw handlers hit the elephants with bull hooks.

Oct. 7 - 18, 1998, Denver, CO. Mr. Rider witnessed elephants hooked and hit with bull hooks.

Oct. 23 - Nov. 1, 1998, Cleveland, OH. Mr. Rider witnessed handlers hook and hit elephants with bull hooks on and off the train.

Nov. 4-15, 1998, Rosemont, IL. Mr. Rider observed Randy Peterson beat the elephant Nicole.

Nov. 17-29, 1998, Chicago, IL. Mr. Rider saw handlers hook and hit elephants with bull hooks.

Dec. 3-6, 1998, Huntsville, AL. Mr. Rider observed handlers hooking and hitting elephants, when they were coming off the train. He saw Adam Hill hit the elephants Karen and Sophie with a bull hook.

Winter Quarters, 1998, Tampa, FL. Mr. Rider saw the elephants chained the majority of the time, even though this is the only time during the year when they are not on the road performing.

Dec. 26, 1998 - Jan 3, 1999, Miami, FL. Mr. Rider witnessed handlers hooking and hitting elephants to get them into the arena. He saw a handler named Scott hit elephants with a bull hook.

Jan. 7-10, 1999, Sunrise, FL. Mr. Rider witnessed daily hooking and hitting of elephants.

Jan 14-18, 1999, Jacksonville, FL. Mr. Rider saw elephants hit with bull hooks.

Jan. 21-24, 1999, North Charleston, SC. Mr. Rider witnessed handlers hooking and hitting elephants with bull hooks repeatedly.

Jan. 28-31, 1999, Macomb, GA. Mr. Rider saw elephants hit with bull hooks every day; if they did not do something right, they got hooked and hit.

Feb. 2-3, 1999, Augusta, GA. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 5-7, 1999, Columbia, SC. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 10-14, 1999, Raleigh, NC. Mr. Rider witnessed handlers hit and hook the elephants with bull hooks.

Feb. 17-21, 1999, Charlotte, NC. Mr. Rider saw handlers hit the elephants with bull hooks when they were getting the animals off the train and during the walk.

Feb. 25-28, 1999, Fayetteville, NC. Mr. Rider saw the elephants hooked and hit repeatedly by handlers.

March 3-7, 1999, Cincinnati, OH. Mr. Rider saw the elephants hit with bull hooks as they got off the train, and as they were walked down and put in tents; Mr. Rider saw Randy Peterson hit the elephant Nicole on the head with a bull hook.

March 10-21, 1999, Baltimore, MD. Mr. Rider witnessed the elephants hit with bull hooks.

March 24-28, 1999, Washington, DC. Mr. Rider observed handlers hook and hit elephants inside the arena, and he saw Pat Harned beat the baby elephant Benjamin.

April 16-18, 1999, Landover, MD. Mr. Rider saw handlers hit elephants with bull hooks.

April 22-25, 1999, Charleston, WV. Mr. Rider witnessed handlers hook elephants as they took them off the train; he also saw handlers hit elephants with bull hooks inside the arena, and when the elephants went into the show, and he saw handlers beat the elephants with bull hooks behind their legs.

April, 1999, Chattanooga, TN. Mr. Rider witnessed handlers beat elephants named Sophie and Karen; and he also saw a severe beating of the elephant Nicole.

May 5-8, 1999, Tulsa, OK. Mr. Rider observed handlers hooking elephants as they took them off the train, on the walk, and when they got to the arena.

May 12-16, 1999, San Antonio, TX. Mr. Rider saw Adam Hill beat the elephants with bull hooks.

May 26-30, 1999, Ft. Wayne, IN. Mr. Rider saw elephants hooked and hit on the walk; it was raining, and the handlers were smacking the elephants to make them go faster.

June 2-6, 1999, Columbus, OH. Mr. Rider again saw handlers hook and hit elephants on the train, before the animals went into the show, and whenever the animals did not do something right.

June 9-13, 1999, Toledo, OH. Mr. Rider saw handlers hook and hit elephants on the train, and when the animals were being taken off the train.

June 23-27, 1999, Ottawa, Ontario, Canada. Mr. Rider saw Adam Hill, Pat Harned, and Randy Peterson beat the elephants with bull hooks, to get them back in the pen.

July 2-11, 1999, Toronto, Ontario, Canada. Mr. Rider saw elephants hit with bull hooks.

July 16-25, 1999, Houston, TX. Mr. Rider saw Pat Harned hit Benjamin with a bull hook, and he saw handlers hit and hook the other elephants as well.

Aug. 11-15, 1999, Ft. Worth, TX. Mr. Rider witnessed handlers hook and hit elephants with bull hooks.

Aug. 18-22, 1999, Colorado Spring, CO. Mr. Rider saw handlers hit elephants with bull hooks.

Aug, 26-29, 1999, Wichita, KS. Mr. Rider witnessed handlers hitting elephants with bull hooks.

Sept. 2-5, 1999, Moline, IL. Mr. Rider saw elephants hooked and hit constantly, on the train and before the show.

Sept.8 -27, 1999, Kansas City, MO. Mr. Rider saw repeated hooking and hitting of elephants with bull hooks.

Sept. 15-19, 1999, Indianapolis, IN. Mr. Rider saw elephants hit and hooked with bull hooks.

Sept. 22-25, 1999, Grand Rapids, MI. Mr. Rider saw elephants hooked and hit with bull hooks; he saw Randy Peterson beating elephants.

Sept. 30-Oct. 3, 1999, Buffalo, NY. Mr. Rider saw lots of hooking and hitting of elephants.

Oct. 7-10, 1999, Detroit, MI. Mr. Rider witnessed hooking and hitting of the elephants.

Oct. 15-24, 1999, Boston, MA. Mr. Rider observed a handler named James, who came up from the Ringling breeding farm in Florida, hit an elephant with a bull hook. There were five baby elephants there, and Mr. Rider saw Gary Jacobson and Dave Whaley hitting and hooking the baby elephants.

Oct. 27-31, 1999, Pittsburgh, PA. Mr. Rider again saw handlers hit and hook elephants with bull hooks.

Additional incidents when Ringling employees harmed one or more of their elephants are recorded on videotapes that plaintiffs are producing in response to the defendants' document production requests. These incidents were observed by several people, including one or more of the following videographers:

Deniz Bolbol

P.O. Box 5656
Redwood City, CA 94063
650-654-9955

Kindall Cross	WTAE-TV 400 Ardmore Blvd. Pittsburgh, PA 15221 412-242-4300
Joseph Patrick CuvIELlo	P.O. Box 2834 Redwood City, CA 94064 650-369-5533
Tracey DeMartini	245-M Mt. Hermon Rd. #276 Scotts Valley, CA 95066 510-601-1807
Pat Derby	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809
Chris Green	Defenders of Animal Rights in Tulsa 7107 S. Yale Ave. Tulsa, OK 74136
Barbara Grove	650-430-0989
Alfredo Kuba	500 W. Middlefield Rd, #178 Mountain View, CA 94043 650-965-8705
Tom Rider	c/o 706 Taft Washington, IL 61571 309-444-3782
Ed Stewart	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809

Those incidents include the following:

Cow Palace
Daly City, CA
2000

Troy Metzler hit elephants with bull hooks;
Dave Whaley hooked elephants with a bull hook, hit
elephants on their legs; Dave Whaley used a
leatherman/knife to clip an elephant on the elephant's
side;
Elephants were chained most of the time

San Jose, CA
2000

Handlers hit elephants, including babies, with bull hooks under their chins; Brian Christiani jabbed elephants with a bull hook

Tulsa, OK
Jan. 5, 2001

“Sonny” hooked an elephant; Sara Houcke jabbed an elephant with a bull hook;

San Jose, CA
2001

Handlers hit elephants with bull hooks

Daly City, CA
Aug./ Sept. 2001

Handlers, including Rick Bogar, hit elephants with bull hooks; Mark Gebel used a bull hook on elephants

Pittsburgh, PA
Nov. 1, 2001

Handlers Troy Metzler and Sonny hit elephants with bull hooks

Tulsa, OK
2000

Robert Ridely (“Sonny”) got a bull hook stuck in an elephant’s mouth

Oakland, CA
Aug. 18, 2002

Troy Metzler hit elephants with bull hooks;
The baby elephant named Doc was chained and exhibiting stereotypic behavior

Daly City, CA
Aug. 25, 2002

Jeff Pettigrew stuck a bull hook in an elephant’s mouth and twisted it

San Jose
Aug. 25, 2002

Troy Metzler used a bull hook in the mouth of an elephant; and hooked the baby elephant named Doc

Oakland, CA
2000

Sonny and Brian Christiani hit elephants with bull hooks

San Jose, CA
August 21, 2002

Jeff Pettigrew jabbed elephants with a bull hook

September 3, 2002

Troy Metzler hit elephants with a bull hook, and grabbed the trunk of an elephant with a bull hook

Daly City, CA
Aug. 26, 2002

A handler hit the baby elephant Angelica under the chin with a bull hook

San Jose, CA
Aug. 24, 2004

A handler jabbed an elephant's foot with a bull hook; a handler grabbed an elephant with a bull hook

San Jose, CA
2001

Handlers jabbed and hit elephants with bull hooks

Daly City, CA
2001

Rick Bogar hit an elephant with a bull hook

Sacramento, CA
1999

Roy Wells jabbed an elephant with a bull hook

Daly City, CA
1999

A handler hooked an elephant on the ear

San Jose, CA
1998

Sonny jabbed an elephant with a bull hook

Atlanta, GA
Feb. 21, 2002

Handlers grabbing elephants behind ears with bull hooks

Daly City, CA
2001

Bogar used a bull hook on an elephant

San Jose, CA
Aug. 25, 2002

Handlers hooked elephants in their mouths

Sacramento, CA
Sept., 2002

A handler hooked a baby elephant on the elephant's trunk and jabbed it under the elephant's chin

Oakland, CA
Aug. 21, 2003

Handlers used bull hooks on elephants; a handler stepped on the trunk of an elephant and hit an elephant with a bull hook

San Jose, CA
Sept. 5, 2003

A handler hooked and jabbed elephants; Bogar hit an elephant on the elephant's trunk with a bull hook; Sasha Houke used a bull hook on elephants

Daly City, CA
Sept., 2003

Alex Petrov jabbed an elephant with a bull hook

Reno, NV
Sept., 2003

Handlers pulled elephants with bull hooks; jabbed
elephants with bull hooks

Additional incidents include:

Kelly Tansy witnessed additional incidents of beatings, hitting of elephants with bull hooks and other instruments, and prolonged chaining, when he worked for Ringling Bros. His address is 1829 West Gardner, Spokane, WA 99201 (509) 327-5988.

Spring, 1984 or 1985 – Madison Square Garden, NYC - In the evening, a New York City police officer, Joe Pentangelo, witnessed the beating of a chained elephant with a shovel for 5-10 minutes. Mr. Pentangelo currently works for the ASPCA, 424 92nd Street, New York, New York 10128-6804 (212) 876-7700.

Mexico, 1998 - off-loading of elephants, Gunther Gebel-Williams struck two baby elephants in the face with a whip, witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Mexico, 1998 - during a performance, Gunther Gebel-Williams struck elephants - witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

October, 2002 – Auburn Hills, Michigan - a Ringling handler struck an elephant with a metal rod behind her front leg, witnessed by Doreen Rudnick, 6832 Fredmoor Street, Troy, MI 48098.

In further response to this Interrogatory, AWI hereby incorporates by reference the specific incidents set forth in the sworn affidavit that Mr. Rider provided to the United States Department of Agriculture on July 20, 2000 which is being provided by Mr. Rider in response to defendants' document production request to him. AWI also incorporates by reference all of the information that is contained in the report prepared by the ASPCA, the Fund for Animals, and the Animal Welfare Institute, entitled:

“Government Sanctioned Abuse: How the United States Department of Agriculture

Allows Ringling Brothers Circus to Systematically Mistreat Elephants” (September 2003) (hereinafter referred to as the “USDA Report”). That document is also being produced by plaintiffs in response to defendants’ document production requests.

AWI further incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Bros. personnel striking elephants with bull hooks, brooms, and other instruments, and keeping the elephants chained for long periods of time, as recorded on the videotapes that plaintiffs are producing in response to defendants’ document production requests.

Interrogatory No. 6:

Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have “taken” an elephant within the meaning of the Endangered Species Act.

Objection and Response to Interrogatory No. 6:

AWI hereby incorporates the same objections and response that it made with respect to Interrogatory No. 5. In addition, AWI states that Ringling Bros. “takes” both the adult and baby elephants when it removes baby elephants from their mothers and other members of their families.

Interrogatory No. 7:

State the date on which you first became aware of defendants’ alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

Response to Interrogatory No. 7:

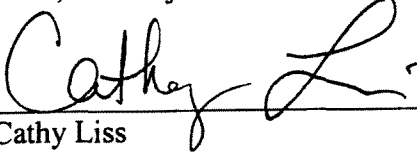
AWI states that, to the best of its recollection, it first became aware of defendants’ mistreatment of and the death of Benjamin around September 1999. Because AWI

VERIFICATION

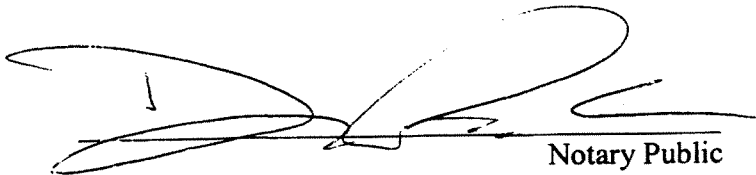
CITY OF ALEXANDRIA)
)
STATE OF VIRGINIA)

CATHY LISS, being duly sworn, says:

I am employed as the President of the Animal Welfare Institute. Animal Welfare Institute is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff Animal Welfare Institute and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.


Cathy Liss

Sworn to before me this
27th day of June, 2004


Notary Public

My Commission Expires: Sept. 30, 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROS. AND BARNUM & BAILEY CIRCUT, <u>et al.</u> ,)	
)	
Defendants.)	
)	

Civ. No. 00-01641 (EGS)

**PLAINTIFF THE FUND FOR ANIMALS' RESPONSES AND OBJECTIONS TO
DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFFS
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
ANIMAL WELFARE INSTITUTE, AND FUND FOR ANIMALS**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties,
plaintiff The Fund for Animals ("The Fund") hereby offers the following objections and
responses to Defendants' First Set of Interrogatories to The Fund.

DEFINITIONS

1. As used herein, "irrelevant" means not relevant to the subject matter of
this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. The Fund's general objections, as set forth herein, are to be considered
continuing objections and responses to the specific Interrogatories that follow, even if not
referred to in the objection and response to a specific Interrogatory. The Fund's

emergency medical procedure. Neither Mr. Schubert nor Mr. Govea ever “tethered” Tara. Both Mr. Govea’s and Mr. Schubert’s business address is Black Beauty Ranch, P.O. Box 367, Murchison, Texas, 75778, (903) 469-3811.

Interrogatory No. 5:

Describe every incident in which you contend that one or more of defendants’ employees harmed one of defendants’ elephants.

Objection and Response to Interrogatory No. 5:

The Fund objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Plaintiff Tom Rider saw mistreatment of elephants almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. This included, but was not limited to, handlers and trainers hitting elephants with bull hooks and other instruments, beating elephants, and keeping the elephants chained for long periods of time, both on and off the train. These incidents are too numerous to describe in detail. In addition, The Fund alleges that this kind of mistreatment occurs routinely at Ringling Bros., and for that reason also, the incidents of harm are too numerous to list.

Subject to and without waiving the foregoing or general objections to these Interrogatories, The Fund provides a list of incidents responsive to this Interrogatory below.

June 4, 1997, Austin, TX. Mr. Rider saw Ringling handlers use a bull hook to poke and stab elephants.

June 12-15, 1997, Lubbock, TX. Mr. Rider saw handlers hook elephants, and use the bull hook in an abusive way to make the elephants raise their legs.

June 19-22, 1997, Little Rock, ARK. Mr. Rider saw Ringling handlers doing a lot of hooking and hitting elephants with bull hooks. In Little Rock, the elephants were taken

off the train, put into a building, and chained the entire time, except when they were either performing or rehearsing.

June 24-25, 1997, Tulsa, OK. Mr. Rider saw elephants hit and hooked with bull hooks.

June 27-29, 1997, Oklahoma City, OK. Mr. Rider observed handlers hooking, poking, and stabbing elephants with bull hooks. Whenever the handlers came in to clean the elephants, they hooked and hit the animals.

July 3-6, 1997, Memphis, TN. Mr. Rider saw elephants get panicky because fireworks were going off, and the handlers reacted by hitting the elephants with bull hooks in an effort to make them settle down.

July 8-9, 1997, Tupelo, Miss. Mr. Rider saw Graham Chipperfield use a bull hook on the elephant Karen – he hooked her under her leg so hard he almost tripped her; other handlers were hooking and poking and stabbing the elephants.

July 11, 1997, Jacksonville, MS. Mr. Rider witnessed handlers Jeff Pettigrew, Franko, Sonny, and others, hooking and hitting elephants with bull hooks.

July 15-27, 1997, Houston, TX. Mr. Rider witnessed the elephants kept chained in a row for most of the time; the only time they were taken outside was to get water.

July 30-August 10, 1997, Dallas, TX. Mr. Rider witnessed handlers hit, stab and poke elephants with bull hooks.

August 15-17, 1997, Ft. Worth, TX. Mr. Rider witnessed the elephants kept inside the building the whole time, with no exercise, chained up. Every time the handlers came in to clean up the elephants, they hooked and hit the elephants with bull hooks.

August 21-24, 1997, New Orleans, LA. Mr. Rider witnessed the elephants kept inside the Superdome the entire time, and he witnessed a lot of hitting and stabbing of the elephants with bull hooks.

August 29-31, 1997, Wichita, KS. Mr. Rider witnessed the elephants kept inside the coliseum the entire time, and whenever the handlers laid the elephants down, they hit them with bull hooks.

Sept. 9-12, 1997, Milwaukee, WI. Mr. Rider witnessed the elephants being hooked and hit with bull hooks. When the handlers came in to clean up the elephants, they would hook and hit the animals with bull hooks.

Sept. 12-14, 1997, Moline, IL. Mr. Rider saw the elephants chained up all day long, except when they were rehearsing or performing. He also saw handlers hook and hit the elephants with bull hooks every day.

Sept 17-21, 1997, Kansas City, MO. Mr. Rider observed that the elephants were kept inside the building, with no exercise, chained the entire time except when they were performing or rehearsing, and they were hooked and hit repeatedly.

Sept. 24-28, 1997, Indianapolis, IN. Mr. Rider witnessed the elephants chained the entire time, except when they went into the arena or to do a show, and he saw handlers hook and hit the elephants whenever they cleaned them.

Oct. 1-5, 1997, Detroit, MI. Mr. Rider saw Jeff Pettigrew hook and hit elephants.

Oct. 8-19, 1997 Boston, MA. Mr. Rider observed that the elephants were inside the entire time and did not get any exercise, they were constantly chained, and poked and hit with bull hooks.

Oct. 22-26, 1997, Pittsburgh, PA. Mr. Rider saw Alex Vargas hit the elephants, and the elephants were screaming.

Oct. 29- Nov. 2, 1997, Buffalo, NY. Mr. Rider saw handlers hook and hit elephants constantly, when the elephants were being taken on and off the train.

Nov. 5-9, 1997, St. Louis, MO. Mr. Rider saw the elephants hooked and hit when they were being cleaned.

Winter Quarters, 1997, Tampa, FL. Mr. Rider witnessed elephants hit with bull hooks during rehearsals.

Jan. 15-18, 1998, Orlando, FL. Mr. Rider saw Randy Peterson hit elephants with bull hooks.

Jan. 21-25, 1998, Birmingham, AL. Mr. Rider saw elephants hooked and hit with bull hooks.

Jan. 28- Feb. 1, 1998, Asheville, NC. Mr. Rider witnessed handlers hit elephants with bull hooks as they got off the train and as they walked in the snow, to make the elephants walk faster.

Feb. 3-8, 1998, Knoxville, TN. Mr. Rider observed handlers hook and hit elephants.

Feb 11-15, 1998, Greensboro, NC. Mr. Rider observed Randy Peterson hit and hook elephants with bull hooks.

Feb 18-22, 1998, Richmond, VA. Mr. Rider witnessed Andy Weller and Jeff Pettigrew beat the elephants Zina and Rebecca severely; when they were done beating the elephants, Mr. Rider had to use "wonder dust" to cover up about 30 hook wounds on Zina, and 20 wounds on Rebecca.

Feb. 25 - March 1, 1998, Knoxville, VA. Mr. Rider witnessed that the elephants were inside the entire time, on chains, except when they were performing or rehearsing.

March 10-15, 1998, East Rutherford, NJ. Mr. Rider witnessed that the elephants were inside the entire time, chained; he saw Randy Peterson beat the elephants Minnie and Kamala with a bull hook.

March 17-23, 1998, Uniondale, NY. Mr. Rider saw handlers hit and hook elephants with bull hooks.

March 27-April 13, 1998, New York City, NY. On the 5th floor of Madison Square Garden, Mr. Rider witnessed that the elephants were chained up all day long, except when they were rehearsing or performing. He also saw the elephants hooked, hit, and smacked around by handlers.

April 15-26, 1998, Philadelphia, PA. Mr. Rider witnessed Adam Hill hit and hook elephants with a bull hook.

April 29- May 29, 1998, Providence, RI. Mr. Rider witnessed that the elephants were inside, chained most of the time, and got no exercise. He saw them hooked when they were brought off the train, and hooked and hit when they were being cleaned.

May 5-6, 1998, Springfield, MA. Mr. Rider saw handlers constantly hit and hook the elephants with bull hooks, and the elephants were chained most of the time.

May 8-10, 1998, Worcester, MA. Mr. Rider observed that the elephants were inside and chained most of the time, and the handlers hooked and hit the elephants.

May 12-13, 1998, New Haven, CT. Mr. Rider saw Pat Harned beat the baby elephant Benjamin because he was playing with another baby named Shirley. He also saw Harned beat the elephant Karen, when she rattled her chain; Harned beat her for 23 minutes.

May 15-17, 1998, Hartford, CT. Mr. Rider witnessed handlers poke and hit elephant with bull hooks; he saw the baby elephants Benjamin and Shirley hit with bull hooks.

May 23-25, 1998, Hershey, PA. Mr. Rider saw handlers hit elephants with bull hooks.

May 28-31, 1998, Albany, NY. Mr. Rider saw handlers hook and hit elephants with bull hooks.

June 2-3, 1998, Syracuse, NY. Mr. Rider saw the elephants hit and hooked with bull hooks by handlers.

June 5-7, 1998, Rochester, NY. Mr. Rider witnessed handlers hit elephants with bull hooks.

June 11-14, 1998, Washington, KY. Mr. Rider saw handlers hook and hit elephants with bull hooks on the walk going to and from the train, and when the elephants were being cleaning up at night.

June 18-21, 1998, Lubbock, TX. Mr. Rider saw Tony Rodriquez and Randy Peterson hit elephants with bull hooks.

July 1-15, 1998, Phoenix, AZ. Mr. Rider saw elephants hit and hooked by handlers.

July 8 -12, 1998, Fresno, CA. Mr. Rider saw lots of hitting and hooking of the elephants on and off the train.

July 22-26, 1998, Los Angeles, CA. Mr. Rider witnessed handlers hitting elephants on the 3.5 mile walk from the train, and after the elephants arrived at the arena.

July 28 - Aug. 4, 1998, Anaheim, CA. Mr. Rider saw Pat Harned and Randy Peterson hit the elephant Lechme with a bull hook.

Aug. 6-9, 1998, Englewood, CA. Mr. Rider observed handlers hooking and hitting elephants during the walk, and during the warm up before the show; he saw handlers hit the elephants with bull hooks behind their legs to make them go faster.

Aug. 12-16, 1998, San Diego, CA. Mr. Rider saw handlers hook and hit elephants on and off the train.

Aug. 25-30, 1998, San Jose, CA. Mr. Rider witnessed elephants struck with bull hooks behind their ears.

Sept. 2-7, 1998, San Francisco, CA. Mr. Rider saw Adam Hill smack an elephant on the trunk, and Robby Costillo stab elephants under their chins to make them raise their trunks up.

Sept. 9-13, 1998, Sacramento, CA. Mr. Rider saw handlers hit elephants when they got off the train and during the long walk to the arena.

Sept. 17-20, 1998, Seattle, WA. Mr. Rider saw the elephants chained constantly in a small room, and he saw handlers hit and hook them with bull hooks.

Sept. 22-23, 1998, Spokane, WA. Mr. Rider saw handlers hook and hit elephants on the train and when they went into the show warm up before the show.

Sept. 25-27, 1998, Portland, OR. Mr. Rider witnessed handlers hook and hit the elephants constantly on the train, and during warm up.

Sept. 30 - Oct. 4, 1998, Salt Lake City, UT. Mr. Rider saw handlers hit the elephants with bull hooks.

Oct. 7 - 18, 1998, Denver, CO. Mr. Rider witnessed elephants hooked and hit with bull hooks.

Oct. 23 - Nov. 1, 1998, Cleveland, OH. Mr. Rider witnessed handlers hook and hit elephants with bull hooks on and off the train.

Nov. 4-15, 1998, Rosemont, IL. Mr. Rider observed Randy Peterson beat the elephant Nicole.

Nov. 17-29, 1998, Chicago, IL. Mr. Rider saw handlers hook and hit elephants with bull hooks.

Dec. 3-6, 1998, Huntsville, AL. Mr. Rider observed handlers hooking and hitting elephants, when they were coming off the train. He saw Adam Hill hit the elephants Karen and Sophie with a bull hook.

Winter Quarters, 1998, Tampa, FL. Mr. Rider saw the elephants chained the majority of the time, even though this is the only time during the year when they are not on the road performing.

Dec. 26, 1998 - Jan 3, 1999, Miami, FL. Mr. Rider witnessed handlers hooking and hitting elephants to get them into the arena. He saw a handler named Scott hit elephants with a bull hook.

Jan. 7-10, 1999, Sunrise, FL. Mr. Rider witnessed daily hooking and hitting of elephants.

Jan 14-18, 1999, Jacksonville, FL. Mr. Rider saw elephants hit with bull hooks.

Jan. 21-24, 1999, North Charleston, SC. Mr. Rider witnessed handlers hooking and hitting elephants with bull hooks repeatedly.

Jan. 28-31, 1999, Macomb, GA. Mr. Rider saw elephants hit with bull hooks every day; if they did not do something right, they got hooked and hit.

Feb. 2-3, 1999, Augusta, GA. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 5-7, 1999, Columbia, SC. Mr. Rider saw elephants hit and hooked with bull hooks.

Feb. 10-14, 1999, Raleigh, NC. Mr. Rider witnessed handlers hit and hook the elephants with bull hooks.

Feb. 17-21, 1999, Charlotte, NC. Mr. Rider saw handlers hit the elephants with bull hooks when they were getting the animals off the train and during the walk.

Feb. 25-28, 1999, Fayetteville, NC. Mr. Rider saw the elephants hooked and hit repeatedly by handlers.

March 3-7, 1999, Cincinnati, OH. Mr. Rider saw the elephants hit with bull hooks as they got off the train, and as they were walked down and put in tents; Mr. Rider saw Randy Peterson hit the elephant Nicole on the head with a bull hook.

March 10-21, 1999, Baltimore, MD. Mr. Rider witnessed the elephants hit with bull hooks.

March 24-28, 1999, Washington, DC. Mr. Rider observed handlers hook and hit elephants inside the arena, and he saw Pat Harned beat the baby elephant Benjamin.

April 16-18, 1999, Landover, MD. Mr. Rider saw handlers hit elephants with bull hooks.

April 22-25, 1999, Charleston, WV. Mr. Rider witnessed handlers hook elephants as they took them off the train; he also saw handlers hit elephants with bull hooks inside the arena, and when the elephants went into the show, and he saw handlers beat the elephants with bull hooks behind their legs.

April, 1999, Chattanooga, TN. Mr. Rider witnessed handlers beat elephants named Sophie and Karen; and he also saw a severe beating of the elephant Nicole.

May 5-8, 1999, Tulsa, OK. Mr. Rider observed handlers hooking elephants as they took them off the train, on the walk, and when they got to the arena.

May 12-16, 1999, San Antonio, TX. Mr. Rider saw Adam Hill beat the elephants with bull hooks.

May 26-30, 1999, Ft. Wayne, IN. Mr. Rider saw elephants hooked and hit on the walk; it was raining, and the handlers were smacking the elephants to make them go faster.

June 2-6, 1999, Columbus, OH. Mr. Rider again saw handlers hook and hit elephants on the train, before the animals went into the show, and whenever the animals did not do something right.

June 9-13, 1999, Toledo, OH. Mr. Rider saw handlers hook and hit elephants on the train, and when the animals were being taken off the train.

June 23-27, 1999, Ottawa, Ontario, Canada. Mr. Rider saw Adam Hill, Pat Harned, and Randy Peterson beat the elephants with bull hooks, to get them back in the pen.

July 2-11, 1999, Toronto, Ontario, Canada. Mr. Rider saw elephants hit with bull hooks.

July 16-25, 1999, Houston, TX. Mr. Rider saw Pat Harned hit Benjamin with a bull hook, and he saw handlers hit and hook the other elephants as well.

Aug. 11-15, 1999, Ft. Worth, TX. Mr. Rider witnessed handlers hook and hit elephants with bull hooks.

Aug. 18-22, 1999, Colorado Spring, CO. Mr. Rider saw handlers hit elephants with bull hooks.

Aug. 26-29, 1999, Wichita, KS. Mr. Rider witnessed handlers hitting elephants with bull hooks.

Sept. 2-5, 1999, Moline, IL. Mr. Rider saw elephants hooked and hit constantly, on the train and before the show.

Sept. 8-27, 1999, Kansas City, MO. Mr. Rider saw repeated hooking and hitting of elephants with bull hooks.

Sept. 15-19, 1999, Indianapolis, IN. Mr. Rider saw elephants hit and hooked with bull hooks.

Sept. 22-25, 1999, Grand Rapids, MI. Mr. Rider saw elephants hooked and hit with bull hooks; he saw Randy Peterson beating elephants.

Sept. 30-Oct. 3, 1999, Buffalo, NY. Mr. Rider saw lots of hooking and hitting of elephants.

Oct. 7-10, 1999, Detroit, MI. Mr. Rider witnessed hooking and hitting of the elephants.

Oct. 15-24, 1999, Boston, MA. Mr. Rider observed a handler named James, who came up from the Ringling breeding farm in Florida, hit an elephant with a bull hook. There were five baby elephants there, and Mr. Rider saw Gary Jacobson and Dave Whaley hitting and hooking the baby elephants.

Oct. 27-31, 1999, Pittsburgh, PA. Mr. Rider again saw handlers hit and hook elephants with bull hooks.

Additional incidents when Ringling employees harmed one or more of their elephants are recorded on videotapes that plaintiffs are producing in response to the defendants' document production requests. These incidents were observed by several people, including one or more of the following videographers:

Deniz Bolbol	P.O. Box 5656 Redwood City, CA 94063 650-654-9955
Kindall Cross	WTAE-TV 400 Ardmore Blvd. Pittsburgh, PA 15221 412-242-4300
Joseph Patrick CuvIELlo	P.O. Box 2834 Redwood City, CA 94064 650-369-5533
Tracey DeMartini	245-M Mt. Hermon Rd. #276 Scotts Valley, CA 95066 510-601-1807
Pat Derby	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809
Chris Green	Defenders of Animal Rights in Tulsa 7107 S. Yale Ave. Tulsa, OK 74136
Barbara Grove	650-430-0989
Alfredo Kuba	500 W. Middlefield Rd, #178 Mountain View, CA 94043 650-965-8705
Tom Rider	c/o 706 Taft Washington, IL 61571 309-444-3782
Ed Stewart	Performing Animal Welfare Society P.O. Box 849 Galt, CA 95632 209-745-1809

Those incidents include the following:

Cow Palace
Daly City, CA

Troy Metzler hit elephants with bull hooks;

2000
Dave Whaley hooked elephants with a bull hook, hit elephants on their legs; Dave Whaley used a leatherman/knife to clip an elephant on the elephant's side;
Elephants were chained most of the time

San Jose, CA
2000
Handlers hit elephants, including babies, with bull hooks under their chins; Brian Christiani jabbed elephants with a bull hook

Tulsa, OK
Jan. 5, 2001
"Sonny" hooked an elephant; Sara Houcke jabbed an elephant with a bull hook;

San Jose, CA
2001
Handlers hit elephants with bull hooks

Aug./ Sept. 2001
Daly City, CA
Handlers, including Rick Bogar hit elephants with bull hooks; Mark Gebel used a bull hook on elephants

Pittsburgh, PA
Nov. 1, 2001
Handlers Troy Metzler and Sonny hit elephants with bull hooks

Tulsa, OK
2000
Robert Ridely ("Sonny") got a bull hook stuck in an elephant's mouth

Oakland, CA
Aug. 18, 2002
Troy Metzler hit elephants with bull hooks;
The baby elephant named Doc was chained and exhibiting stereotypic behavior

Daly City, CA
Aug. 25, 2002
Jeff Pettigrew stuck a bull hook in an elephant's mouth and twisted it

San Jose
Aug. 25, 2002
Troy Metzler used a bull hook in the mouth of an elephant; and hooked the baby elephant named Doc

Oakland, CA
2000
Sonny and Brian Christiani hit elephants with bull hooks

San Jose, CA
August 21, 2002

Jeff Pettigrew jabbed elephants with a bull hook

September 3, 2002

Troy Metzler hit elephants with a bull hook, and grabbed the trunk of an elephant with a bull hook

Daly City, CA
Aug. 26, 2002

A handler hit the baby elephant Angelica under the chin with a bull hook

San Jose, CA
Aug. 24, 2004

A handler jabbed an elephant's foot with a bull hook; a handler grabbed an elephant with a bull hook

San Jose, CA
2001

Handlers jabbed and hit elephants with bull hooks

Daly City, CA
2001

Rick Bogar hit an elephant with a bull hook

Sacramento, CA
1999

Roy Wells jabbed an elephant with a bull hook

Daly City, CA
1999

A handler hooked an elephant on the ear

San Jose, CA
1998

Sonny jabbed an elephant with a bull hook

Atlanta, GA
Feb. 21, 2002

Handlers grabbing elephants behind ears with bull hooks

Daly City, CA
2001

Bogar used a bull hook on an elephant

San Jose, CA
Aug. 25, 2002

Handlers hooked elephants in their mouths

Sacramento, CA
Sept., 2002

A handler hooked a baby elephant on the elephant's trunk and jabbed it under the elephant's chin

Oakland, CA
Aug. 21, 2003

Handlers used bull hooks on elephants; a handler stepped on the trunk of an elephant and hit an elephant with a bull hook

San Jose, CA
Sept. 5, 2003

A handler hooked and jabbed elephants; Bogar hit an elephant on the elephant's trunk with a bull hook; Sasha Houke used a bull hook on elephants

Daly City, CA
Sept., 2003

Alex Petrov jabbed an elephant with a bull hook

Reno, NV
Sept., 2003

Handlers pulled elephants with bull hooks; jabbed elephants with bull hooks

Additional incidents include:

Kelly Tansy witnessed additional incidents of beatings, hitting of elephants with bull hooks and other instruments, and prolonged chaining, when he worked for Ringling Bros. His address is 1829 West Gardner, Spokane, WA 99201 (509) 327-5988.

Spring, 1984 or 1985 – Madison Square Garden, NYC - In the evening, a New York City police officer, Joe Pentangelo, witnessed the beating of a chained elephant with a shovel for 5-10 minutes. Mr. Pentangelo currently works for the ASPCA, 424 92nd Street, New York, New York 10128-6804 (212) 876-7700.

Mexico, 1998 - off-loading of elephants, Gunther Gebel-Williams struck two baby elephants in the face with a whip, witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Mexico, 1998 - during a performance, Gunther Gebel-Williams struck elephants - witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

October, 2002 – Auburn Hills, Michigan - a Ringling handler struck an elephant with a metal rod behind her front leg, witnessed by Doreen Rudnick, 6832 Fredmoor Street, Troy, MI 48098.

In further response to this Interrogatory, The Fund hereby incorporates by reference the specific incidents set forth in the sworn affidavit that Mr. Rider provided to the United States Department of Agriculture on July 20, 2000 which is being provided by Mr. Rider in response to defendants' document production request to him. The Fund also incorporates by reference all of the information that is contained in the report prepared by the ASPCA, The Fund for Animals, and the Animal Welfare Institute, entitled:

"Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants" (September 2003) (hereinafter referred to as the "USDA Report"). That document is also being produced by plaintiffs in response to defendants' document production requests.

The Fund further incorporates by reference all of the additional incidents of handlers, trainers, and other Ringling Bros. personnel striking elephants with bull hooks, brooms, and other instruments, and keeping the elephants chained for long periods of time, as recorded on the videotapes that plaintiffs are producing in response to defendants' document production requests.

Interrogatory No. 6:

Describe every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

Objection and Response to No. 6:

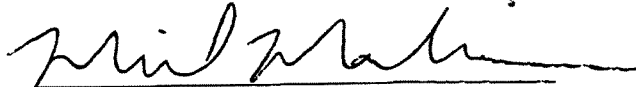
The Fund hereby incorporates the same objections and response that it made with respect to Interrogatory No. 5. In addition, The Fund states that Ringling Bros. "takes" both the adult and baby elephants when it removes baby elephants from their mothers and other members of their families.

VERIFICATION

CITY OF SILVER SPRING)
)
)
STATE OF MARYLAND)

MICHAEL MARKARIAN, being duly sworn, says:

I am employed as the President of The Fund for Animals. The Fund for Animals is a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff The Fund for Animals and know the contents thereof. Upon information and belief, said Objections and Responses are true and correct.

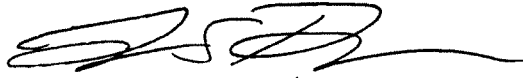

Michael Markarian

Sworn to before me this
4 day of June, 2004

Notary Public

My Commission Expires:

OPHER S. BENDAVID
NOTARY PUBLIC, STATE OF MARYLAND
My Commission Expires June 24, 2005


6/4/04