

**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. 03-2006 (EGS/JMF)

**MOTION TO COMPEL DOCUMENTS SUBPOENAED FROM THE
WILDLIFE ADVOCACY PROJECT AND MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT THEREOF**

EXHIBIT 45

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS, et al.,

Plaintiffs,

v.

RINGLING BROS. AND BARNUM &
BAILEY CIRCUS, et al.,

Defendants.

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

**DEFENDANTS' FIRST SET OF DOCUMENT REQUESTS
TO PLAINTIFFS AMERICAN SOCIETY
FOR THE PREVENTION OF CRUELTY TO ANIMALS,
FUND FOR ANIMALS, AND ANIMAL WELFARE INSTITUTE**

Pursuant to Federal Rule of Civil Procedure 34 and the Stipulated Pre-Trial Schedule dated December 5, 2003, defendants Feld Entertainment, Inc. and Ringling Bros. and Barnum & Bailey Circus request that plaintiffs American Society for the Prevention of Cruelty to Animals ("ASPCA"), Animal Welfare Institute ("AWI"), and the Fund for Animals ("FFA") produce, give access to, and permit the undersigned counsel for defendants to inspect and copy any and all of the materials hereinafter requested before or within thirty (30) days after the date of service of this request, at a place to be mutually agreed upon by counsel. The following definitions and instructions should be considered in responding to these Requests.

or any alleged injuries suffered by Doc, Angelica, or any other elephant during the process of being separated from its mother.

18. All documents that refer, reflect, or relate to the death of Kenny, including without limitation any documents that refer, reflect, or relate to allegations in the complaint of "Ringling Bros. ma[king] Kenny perform on the day that he died, even though it knew that he was ill" and any documents that refer, reflect, or relate to Kenny allegedly being "routinely beaten and hit by Ringling Bros."

19. Documents sufficient to show all resources you have expended in "advocating better treatment for animals held in captivity, including animals used for entertainment purposes" each year from 1996 to the present.

20. All documents that refer, reflect, or relate to any expenditure by you of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" each year from 1996 to the present.

21. All documents that refer, reflect, or relate to any communication between you and plaintiff Tom Rider.

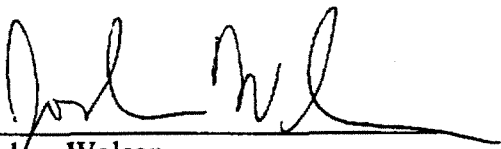
22. All documents that refer, reflect, or relate to any communication between you and any other animal advocates or animal advocacy organizations concerning (a) any circus, including but not limited to Ringling Bros and Barnum & Bailey Circus or (b) the treatment of elephants in captivity.

23. All documents that refer, reflect, or relate to any communication between you and any current or former employee of defendants or any other individual identified in the initial disclosures.

CERTIFICATE OF SERVICE

I, Joshua D. Wolson, certify that I caused a true and correct copy of the foregoing to be served on this 30th day of March, 2004, via Federal Express, upon the following:

Katherine A. Meyer
Eric R. Glitzenstein
Jonathan Lovvorn
Kimberly Ockene
Meyer & Glitzenstein
1601 Connecticut Avenue N.W.
Suite 1700
Washington, D.C. 20009



Joshua Wolson