

PLAINTIFFS' EXHIBIT Q
To Plaintiffs' Opposition to Defendants' Motion
For Summary Judgment
Civ. No. 03-2006 (EGS/JMF)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

v.

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

Defendants.

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

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

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

GENERAL RESPONSES

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

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

pursuant to Federal Rule of Civil Procedure 33(d), defendants will produce records relating to their breeding program.

12. Describe Ringling's practices and procedures with respect to providing for social interaction among the elephants, and psychological enrichment and daily exercise for the elephants. Identify all records that reflect such practices and procedures.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to "practices and procedures," "providing for social interaction among the elephants," and "psychological enrichment." Subject to and without waiving these general and specific objections, defendants respond as follows:

Defendants' elephants are housed in compatible groups and provided with a wide variety of objects to enhance their enrichment, such as sticks, branches, tree limbs, tires, platforms, plastic traffic cones, sand piles, balls, and an "ultimate elephant toy" that consists of a plastic barrel in which fruit can be placed. They also are provided with playful food items such as fruit embedded in blocks of ice and pumpkins. In the summer, the elephants have access to pools of water in which they can play, and elephants at the CEC and Williston retirement facility can frolic in the spray of water cannons or water guns. In addition, the elephants enjoy standing on the tubs with which they perform, even when they are not performing. The elephants' presentations and animal walks to performance venues also provide them with exercise and stimulation. In addition, close daily interaction with Ringling animal care staff contribute to the elephants' psychological enrichment, as do the changing environments provided by the elephants' travels.

13. Describe Ringling's practices and procedures with respect to the chaining of elephants when they are not actually performing and when they are not on the train, including, but not limited to, when the circus is stationed in one venue for a period of time, and when the elephants are maintained at the CEC or at the Williston facility, and describe the other conditions in which the animals are kept, including, but not limited to, their housing and bedding. Identify all documents and records that reflect or pertain to such practices or procedures.

Response: Defendants object to this interrogatory on the grounds of the General Objections and on the further grounds that it is vague and ambiguous in its reference to "practices and

procedures," "chaining," "for a period of time," and "other conditions in which the animals are kept...." Subject to and without waiving these general and specific objections, defendants respond as follows:

At performance sites, facilities permitting and where legally permissible, compatibly grouped elephants have access to pens and tented areas during the day, within which they are free to walk, socialize, play with bamboo stalks and other items listed in response to Interrogatory No. 12, bathe, or play in the mounds of sand provided by defendants' animal care staff. In cities in which defendants hold an Animal Open House, these areas are fully visible to the hundreds of thousands of patrons who visit these open houses each year. In general, the animals are not tethered while they are in these pens. At night, elephants are generally tethered to allow defendants to monitor the elephants' food consumption and waste. While tethered, the elephants are able to stand or lay down and to eat.

At the CEC and Williston elephant retirement facility, elephants are placed outside during the day in compatible groups with a wide variety of objects to enhance their enrichment. The elephants are not tethered while they are in these yards. At night, elephants are generally placed in barns, where they may be tethered to allow defendants to monitor the elephants' food consumption and waste. While tethered, the elephants are able to stand or lay down and to eat.

Defendants house their elephants in appropriate structures that provide shelter from heat, cold, and the elements. The housing that defendants provide for their elephants meets or exceeds the standards as defined by the regulations promulgated by the U.S. Department of Agriculture that appear at 9 C.F.R. 1 (1-1-95 edition) and conforms with Section 9 of the Field Entertainment Standards and Guidelines for Animal Care and Management.

14. Describe Ringling's practices and procedures for maintaining the elephants on the train when traveling from one venue to another, including but not limited to whether the animals are chained, how much space each elephant is provided, how the elephants are fed, the bedding provided to the animals, whether and how often the animals are taken off the train for exercise or for other reasons, whether the animals are bathed, and if so, how often and by what means, the longest period of time Ringling permits the elephants to be kept on the train without being taken off the train, and