

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

TO: R Willems
FROM: S Taylor
RE: RBBB, Red Unit

On 12/22/98, I met with Dr. Bill Lindsey, RBBB veterinarian, and Melissa Shyan, a behaviorist from Butler University, at the Fairgrounds in Tampa, where the Red Unit was set up before their first engagement. This was not an inspection, but an informal visit that Dr. Lindsey had requested a few weeks earlier. Since he is new as RBBB's vet, he wanted me to help him understand the application of several regulations and policies. It turns out that he did have a few misunderstandings about certain requirements, such as how to measure a dog's height, and so I think this visit was well worthwhile. I found Dr. Lindsey to be enthusiastic, collegial and cooperative, and very open to new input.

We went through the animal facility, but did not look at any paperwork. I saw the elephants (about 12-15 I think) chained in a picket line under the tent. Three of them belong to George Carden Circus. I did not look at the elephants closely, and mostly we discussed concerns about space for postural adjustments, chain lengths, time chained on concrete, and access to exercise areas. A few animals had what appeared to be minor foot and nail problems, but in general their feet appeared to me to be in pretty good shape, in contrast to what I recalled about the feet of the elephants on the Blue Unit. Dr. Lindsey confirmed that the Blue Unit elephants had more health problems than those on the Red Unit.

These elephants were chained on two opposite legs in a closely spaced line along one half of the tent, on a concrete pad. Some had two chains on one leg, anchored to two different points, plus a third chain on the second leg. The chains on some were so short and taut, that they could not have turned 180, or take a single full step forward or backward, much less a few steps, as would be more appropriate. I don't think any two adjacent animals could lie down simultaneously, and I'm not even sure that some animals could have lied down at all, if they had wanted. This short chaining is done, because if they had longer chains, the animals could get tangled or could get into fights. But then the reason for that, is that they want to put so many of them under one tent, in one row; So they have to pack them in so closely. The solution is to have more than one tent, so animals can be spaced more appropriately, and can be on chains of a length that gives them enough room for postural adjustments and freedom of movement. Dr. Lindsey said he'd look into whether they could chain some of them on the opposite side of the tent to allow better spacing.

During good weather, electrified exercise pens are set up for the elephants. But the show's route is such that bad weather is likely for much of the first half of the tour, and the elephants don't get off chains much during that period. A system of setting up electrified pens under the tents or indoors would allow them to give the elephants time off chains more regularly, regardless of weather conditions.

There was no exercise area set up for the tigers, and the cages they were in were too small to allow the appropriate level of exercise and all vertical postures, and possibly even for other postural adjustments. Dr. Lindsey was already aware of this and seemed to have some plans for

larger cages. Since the Units set up at whatever location is their first show, for several weeks prior to the show date, these starting locations are as close to a non-touring winter quarters as they'll get. Thus, it's appropriate that the animals be provided with full size enclosures at those locations. The transfer wagons, used to wheel animals into the arena for performance, are even smaller. We noticed 4 tigers with distinctive abrasion lesions (some lesions were reddened, some were scabbed) just lateral to the tail head. These are usually caused by animals rubbing against the enclosure sides as they turn. We observed how one individual clearly abraded this area, while turning in its wagon. Over the past ten years, I have seen such lesions not infrequently in exotic felines in the circus, but I can't recall ever having seen them in a domestic cat in a circus or any other facility, or in exotic felines at a zoo or at a private owner's facility. In both latter instances, enclosures are proportionately much larger than they are for exotic felines in a circus.

The camels were very tall, and I have some concern as to whether they can stand fully erect in the transport enclosures. Dr. Lindsey said he'd check into it. The zebras had small stalls and did not have an area for exercise. Dr. Lindsey was apparently working on this too.

The yaks and alpacas will be sheared before the hottest part of the summer. They will probably need some additional cooling as well.

There were two separate Russian acts with dogs, one also has domestic cats. I didn't measure any cages, but it was clear that for both acts, most dogs had cages that were way too small. They had ordered new ones, but they weren't in yet. The cat cages might have been too small also. The place where the dog and domestic cat act was housed didn't have enough light. Some of the dogs needed dental care.

I saw a few problems with food handling too. Some chicken for animals had freezer burn, and some chicken was being thawed outside, under a truck, and flies were all over. Dr. Lindsey was also aware of these issues and said he tries to monitor the food storage and handling as much as possible.

Dr. Lindsey said he was still working on coordinating all the medical records from various times and sites, and they're still fine tuning a system that will be workable.

Before I left Dr. Lindsey, I told him that there was one issue he could help us with, that would go a long way toward making inspections go smoothly: prompt access for unannounced inspection. I told him that I and at least one other inspector had, in the past, encountered delays and interference with access to animals and/or records at a few inspections. I asked him to relay our requirement for unimpeded access, regardless of which particular individual was there that day to accompany us, to someone in management who was in a position to ensure smooth going in the future.

The visit was productive and enjoyable.

Dr. Magid contacted me the week after this visit and asked me to describe it in a narrative. She

also asked me to try to obtain the names of the elephants I saw and the names of handlers on the Red Unit. I did reach Dr. Lindsey eventually, and asked for this information. He said he didn't have it in written form yet, but a secretary was working on it. He said he'd send it when it came out.