

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

From: Ron DeHaven-APHIS
To: HQDOMAIN.GW("Michael Dunn-OSEC")
Date: 3/6/98 2:46pm
Subject: Ringling Brothers Cases

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Mr. Dunn,

I was planning on discussing disposition of the 2 Ringling Brothers cases following our meeting on DDAL; however, since that meeting has been postponed, please excuse the e-mail.

Following are my recommendations, based on conversations with Mr. Medley and Mr. Vail:

1. Tiger shooting incident

While there is a technical violation for improper euthanasia, presecutorial discretion suggests that, given the horrible circumstances, we should close the case with a letter of warning.

2. Death of Kenny the Elephant

The case shows that orders from the attending veterinarian to leave Kenny in his stall during the 3rd performance on the day he died were not followed by the trainers, Mark Oliver Gebel and Gunther Gebel Williams. However, the veterinarian back peddles on his initial statement in later sworn statements, suggesting that he would have deferred to the trainers' judgement. Nevertheless, we feel there is a prosecutable violation, and recommend filing a complaint. It is likely that Ringling Bros. would want to settle by consent agreement; of course, I would let you know of any such offers before we would agree to a settlement.

With your concurrence, we will proceed as described above.

Ron

CC: HQDOMAIN.GW("Craig Reed-APHIS", "Terry Medley-APHIS...")

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