

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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

Plaintiffs,

v.

Case No. 1:03-CV-02006 (EGS/JMF)

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

Defendants.

NOTICE OF COMPLIANCE

Pursuant to the Court’s September 26, 2006 order (“Order”), Feld Entertainment, Inc. (“FEI”) states as follows:

FEI hereby submits 29 declarations in response to the Order.¹ Dr. Houck explains historically how medical records were kept at FEI. See Houck Decl. (10/4/06) (attached hereto). Also attached is the July 6, 2006 declaration of Dr. Ellen Wiedner. See Wiedner Decl. ¶ 7 (7/6/06) (previously submitted as Exhibit E to FEI’s Response in Opposition to Plaintiffs’ Expedited Motion to Enforce (7/7/06)). Dr. Wiedner explains that certificates of inspection, also known as “interstates,” are a transportation document rather than a medical record. They usually expire after 30 days. Id. Thus, FEI did not consider the interstates responsive to plaintiffs’ document requests and has not attempted previously to retain them for litigation. See Strauss Decl. ¶ 2 (attached hereto). Pursuant to the Court’s Order, FEI is producing whatever interstates

¹ Mr. Troy Metzler, the Superintendent of Elephants on the Blue Unit, and Mr. Antonio Olmeda, Senior Handler on the Red Unit, are currently on vacation. Mr. Metzler already has testified under oath at deposition for plaintiffs that he does not perform recordkeeping (and thus has none). FEI believes the same is correct for Mr. Olmeda. FEI will provide the Court with their declarations when each person returns from vacation.

it has, and has instructed its employees to now retain them on a going-forward basis regardless of their expiration dates. Id. ¶ 5. At no time since this lawsuit was filed, however, has FEI ever been refused entry into or travel through any state during the course of its annual touring schedules for the Blue, Red, and most recently, Gold Units. Id. ¶¶ 3 & 4.

FEI is producing today documents identified as FEI 40991-42865, which consist of the following:

1. FEI has located and retrieved offsite records relating to numbers 11, 15 and 16 of the Order, and one additional e-mail responsive to number 9 of the Order. These documents consist of additional radiographs for thirteen elephants (including thoracic x-rays for Benjamin and Shirley elephants), and lab results, some of which are duplicative in part. The radiographs are available for inspection, and the lab results are hereby produced as FEI 42479-42627.

2. FEI has necropsy photos, that again, are not considered by its veterinarians to be medical records. See FEI 40086-40954, 42866-71. Out of an abundance of caution, FEI will make these photos available for inspection pursuant to the Order but will ask the Court to restrict their use and dissemination due to their graphic nature.

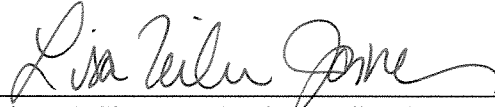
3. The remainder of the documents produced constitute a supplemental production for elephant medical records for the period May 1, 2006 through September 26, 2006, and interstates (pursuant to number 8 of the Order). See FEI 40991-42478, 42628-42865. This also includes the medical records for three Asian elephants, Jan, Marie and Shelley. Those three elephants, which are not owned by FEI, are now traveling on the Gold Unit, and are presented as part of an act that FEI recently engaged in August 2006.

As for the remainder of the categories in the Order, no elephant named Shirly Ann ever existed, see Order no. 6, and the documents related to numbers 1-5, 7, 9-10, 12-14 of the Order

have been produced already. This was explained in detail in FEI's earlier briefing. See Response in Opposition to Plaintiffs' Expedited Motion to Enforce at 17-35 (7/6/06).

Dated this 11th day of October, 2006.

Respectfully submitted,



John M. Simpson (D.C. Bar #256412)
Joseph T. Small, Jr. (D.C. Bar #926519)
Lisa Zeiler Joiner (D.C. Bar #465210)
Michelle C. Pardo (D.C. Bar #456004)
George A. Gasper (D.C. Bar #488988)

FULBRIGHT & JAWORSKI L.L.P.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 662-0200
Facsimile: (202) 662-4643

Counsel for Defendant Feld Entertainment, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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Defendants.

Case No. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, William A. Lindsay, D.V.M., declare under oath as follows:

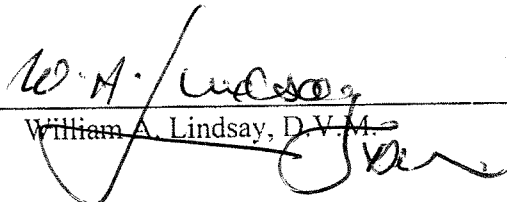
1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").

2. I have searched for all records covered by the Order in my possession, custody or control.

3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 1st day of October, 2006.

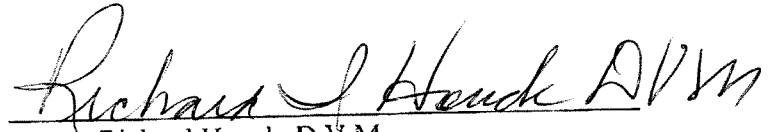


William A. Lindsay, D.V.M.

7. Eventually the computer failed to function, and it was discarded.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4th day of October, 2006.


Richard Houck, D.V.M.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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Case No. 1:03-CV-02006 (EGS/JMF)

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

Defendants.


DECLARATION

I, Ellen Wiedner, V.M.D., Dipl. A.C.V.I.M., declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of October, 2006.



Ellen Wiedner, V.M.D., Dipl. A.C.V.I.M.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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Defendants.

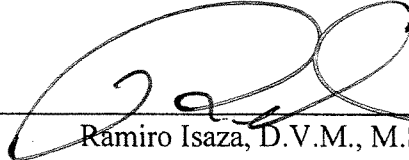
DECLARATION

I, Ramiro Isaza, D.V.M., M.S., Dipl. A.C.Z.M., declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4 day of Oct, 2006.



Ramiro Isaza, D.V.M., M.S., Dipl. A.C.Z.M.

**UNITED STATES DISTRICT COURT
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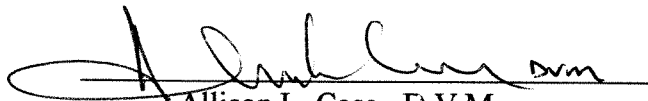
DECLARATION

I, Allison L. Case, D.V.M., declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. I have no such records, and I did not take any with me when I left Feld Entertainment, Inc. in 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of OCTOBER, 2006.


Allison L. Case., D.V.M.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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BAILEY CIRCUS, et al.,

Defendants.

Case No. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Gary Jacobson, declare under oath as follows:


1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").

2. I have searched for all records covered by the Order in my possession, custody or control.

3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4th day of October, 2006.



Gary Jacobson

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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Case No. 1:03-CV-02006 (EGS/JMF)

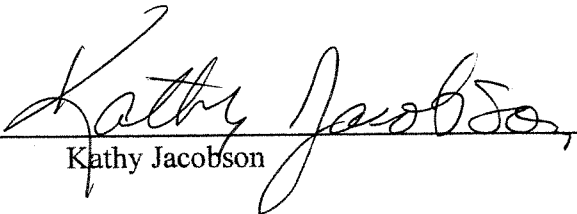
DECLARATION

I, Kathy Jacobson, declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4 day of OCTOBER, 2006.



 Kathy Jacobson

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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Defendants.

Case No. 1:03-CV-02006 (EGS/JMF)

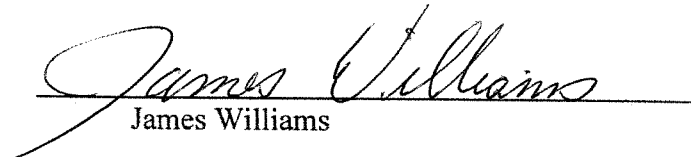
DECLARATION

I, James Williams, declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2006.


James Williams

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE :
PREVENTION OF CRUELTY TO :
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Plaintiffs, :

v. :

Case No. 1:03-CV-02006 (EGS/JMF)

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

Defendants. :

DECLARATION

I, Robert Ridley, declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of Oct, 2006.

Robert Ridley
Robert Ridley

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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RINGLING BROS. AND BARNUM &
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Defendants.

Case No. 1:03-CV-02006 (EGS/JMF)


DECLARATION

I, Dennis Schmitt, D.V.M., Ph.D., D.A.C.T, declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of October, 2006.


Dennis Schmitt, D.V.M., Ph.D., D.A.C.T.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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Defendants.

Case No. 1:03-CV-02006 (EGS/JMF)

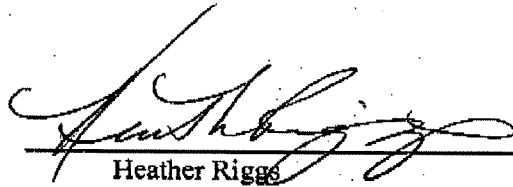
DECLARATION

I, Heather Riggs, declare under oath as follows:

1. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
2. I have searched for all records covered by the Order in my possession, custody or control.
3. I have no such records, and I did not take any with me when I left Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6 day of October, 2006.



Heather Riggs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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Case No. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Anita Santiago, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as a veterinary technician for the Blue Unit.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15 day of October, 2006.

Anita Santiago
Anita Santiago

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO
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Plaintiffs, :

v. :

Case No. 1:03-CV-02006 (EGS/JMF)

RINGLING BROS. AND BARNUM &
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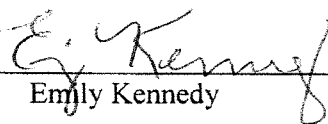
DECLARATION

I, Emily Kennedy, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc., and was the veterinary technician on the Gold Unit this summer.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2006.



Emily Kennedy

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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ANIMALS, et al.,

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BAILEY CIRCUS, et al.,

Defendants.

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Case No. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Carrie Coleman, declare under oath as follows:

- 1. I am employed by Feld Entertainment, Inc. as a veterinary technician for the Red Unit.
- 2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
- 3. I have searched for all records covered by the Order in my possession, custody or control.
- 4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6 day of October, 2006.

Carrie Coleman

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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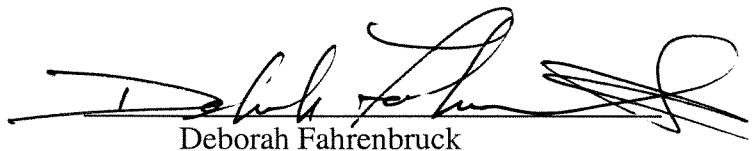
DECLARATION

I, Deborah Fahrenbruck, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the Regulatory Affairs and Outreach Coordinator.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of OCTOBER, 2006.


Deborah Fahrenbruck

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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RINGLING BROS. AND BARNUM &
BAILEY CIRCUS, et al.,

Defendants.

DECLARATION

I, Angelina Quevedo, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the General Manager of the Gold Unit.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of October, 2006.



Angelina Quevedo

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**AMERICAN SOCIETY FOR THE
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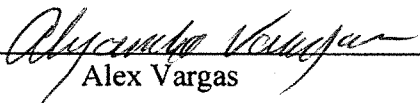
DECLARATION

I, Alex Vargas, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the Superintendent of Animals on the Blue Unit.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. I am not responsible for recordkeeping, and I have no such records.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6 day of October, 2006.


Alex Vargas

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE :
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Case No. 1:03-CV-02006 (EGS/JMF)

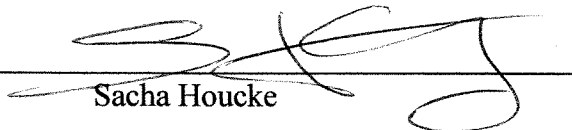
DECLARATION

I, Sacha Houcke, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as a handler and presenter on the Red Unit.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8 day of 10, 2006.


Sacha Houcke

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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RINGLING BROS. AND BARNUM &
BAILEY CIRCUS, et al.,

Defendants.

Case No. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, David Polke, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the Superintendent of Animals on the Blue Unit.

2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").

3. I have searched for all records covered by the Order in my possession, custody or control.

4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6 day of OCT., 2006.



David Polke

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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Case No. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Michael Hayward, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as a handler and presenter on the Blue Unit.
2. I have reviewed the Court’s order in the above-captioned case dated September 26, 2006 (“Order”).
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of October, 2006.

Michael Hayward

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
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Case No. 1:03-CV-02006 (EGS/JMF)

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

Defendants.

DECLARATION

I, Hicham Basllam, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as a handler and presenter on the Blue Unit.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. I am not responsible for recordkeeping, and I have no such records.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6 day of OCT, 2006.



Hicham Basllam

UNITED STATES DISTRICT COURT
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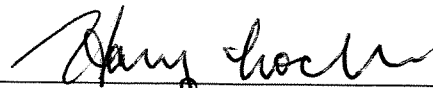
DECLARATION

I, Harry Locker, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the General Manager of the Williston facility.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2006.



Harry Locker

UNITED STATES DISTRICT COURT
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Case No. 1:03-CV-02006

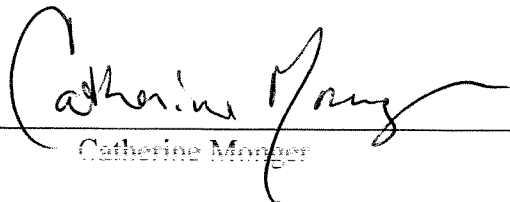
DECLARATION

I, Catherine Monger, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as a handler and veterinary technician at the Williston facility.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2006.



 Catherine Monger

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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Plaintiffs,

v.

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

Defendants.

Case No. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Thomas Albert, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the Vice President of Government Relations.

2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").

3. I have searched for all records covered by the Order in my possession, custody or control.

4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of October, 2006.



Thomas Albert

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs, :

v. :

Case No. 1:03-CV-02006 (EGS/JMF)

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

Defendants. :

DECLARATION

I, Janice Aria, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the Manager, Animal Stewardship Training, at the Ringling Bros. Center for Elephant Conservation.

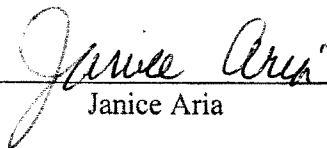
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").

3. I have searched for all records covered by the Order in my possession, custody or control.

4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2006.



Janice Aria

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. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Trudy Williams, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as a handler at the Ringling Bros. Center for Elephant Conservation.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2006.


Trudy Williams

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. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Mickie Frizzell, declare under oath as follows:

1. I am employed by Feld Entertainment, Inc. as the Circus Registrar.
2. I have reviewed the Court's order in the above-captioned case dated September 26, 2006 ("Order").
3. I have searched for all records covered by the Order in my possession, custody or control.
4. Any such record that I located was sent to counsel for Feld Entertainment, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of October, 2006.



Mickie Frizzell

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. 1:03-CV-02006 (EGS/JMF)

DECLARATION

I, Julie Alexa Strauss, declare under oath as follows:

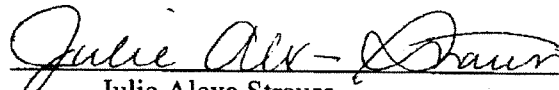
- 1. I have been employed by Feld Entertainment, Inc. (“FEI”) since 1988. I am Vice President and Corporate Counsel for FEI.
- 2. Certificates of veterinary inspection are also known as “interstates.” The interstates are not considered to be medical records. See, e.g., Wiedner Decl. ¶ 7 (7/6/06). These forms vary from state to state, and they are for the purpose of transporting animals. They normally expire after thirty days. Id. Because they are not considered to be medical records, the interstates were not responsive to plaintiffs’ document requests in this case, and FEI did not retain them for purposes of this litigation.
- 3. During the time of my employment at FEI, the Blue and Red Units have been continuously traveling in accordance with their annual touring schedules. In the positions I have held with FEI, I would have been advised if an elephant had been refused entry into or travel through any state. I am not aware of any instance in which an elephant from either unit has been refused entry into or travel through a state.

4. The Gold Unit began touring in 2004 and has been continuously traveling in accordance with its annual touring schedule. I am not aware of any instance in which an elephant on the Gold Unit has been refused entry into or travel through a state since the Gold Unit began touring in 2004.

5. Pursuant to the Court's September 26, 2006 Order, FEI is producing all interstates in its possession, custody and control. FEI's employees have now been instructed to retain all interstates, regardless of when they expire, until discovery closes or upon further notice from the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of October, 2006.


Julie Alexa Strauss

**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. 1:03-CV-02006 (EGS/JMF)

DECLARATION OF ELLEN WIEDNER, V.M.D., D.A.C.V.I.M.

Ellen Wiedner, V.M.D., D.A.C.V.I.M. declares under oath the following:

1. I am a veterinarian for Feld Entertainment, Inc. ("FEI"). I have held this position since April, 2004. Previously, I worked at Colt's Head Equine Clinic in Freehold, New Jersey. At FEI, I provide veterinary care for all of the animals, including Asian elephants. I make this declaration based on personal knowledge acquired in the course of my seven (7) years of professional experience, including my time at FEI.

2. I consulted with counsel in the preparation of the May 12, 2006 letter to plaintiffs regarding veterinary issues discussed in that letter.

3. FEI maintains a herd of Asian elephants that are either traveling with the circus units or located at the Center for Elephant Conservation or Two Tails Ranch (Williston) facilities in Florida.

4. Entries to an FEI elephant's "Medical History" or "Animal Veterinary Report" that simply record the visit are evidence that the animal was not experiencing any problems that required attention. The level of detail for a given animal is a function of that animal's particular

medical situation. Visits to healthy elephants, with no conditions or treatment to document, typically do not get recorded other than to state "examine on site" or "vet on site."

5. As an example, Asha elephant is a healthy four-year old elephant. Her medical history document reflects this by containing notes of visits, rather than containing notes regarding medical conditions or treatments.

6. An elephant's medical record is dependant upon his or her health. No elephant's medical records will be identical to another's.

7. Certificates of veterinary inspection are not considered to be medical records. FEI does not maintain such an inspection certificate in an elephant's medical file, and it is not created to facilitate treatment of an elephant. Such a document is akin to an inspection document or permit document, which varies from state-to-state, and is required to transport an animal through the state. Typically, such inspection certificates expire thirty (30) days after they are issued.

8. A laboratory report is a meaningful document for a veterinarian and, as such, does not require separate written analysis.

9. When a consulting or on-call veterinarian treats an FEI elephant, the practice is for that veterinarian, if appropriate, to add to the elephant's veterinary record while on site or by subsequent communication.

10. *Nocardia* bacteria is found worldwide in soil. Elephant trunk washes frequently contain normal organisms found in soil. They do not indicate infection.

11. Sarah elephant did not have surgery for a fistula and therefore there is no document for that procedure.

12. The medical history of Asia elephant contains various entries regarding lameness. The intermittent entries that do not discuss Asia's lameness indicate that she was not exhibiting symptoms sufficient to note, or otherwise warrant treatment for, at those times.

13. None of FEI's baby elephants has ever died of the condition known as elephant endotheliotropic herpesvirus (EEHV) or "herpes." FEI owns one of the few elephants who successfully recovered from EEHV.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.


Ellen Wiedner, V.M.D., D.A.C.V.I.M.

Executed on July 6, 2006.