

Plaintiffs' Exhibit 1

Motion To Compel Inspections
(Civ. No. 03-2006 (EGS/JMF))

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION)
OF CRUELTY TO ANIMALS, et al.,)
)
Plaintiffs,)
)
v.)
)
RINGLING BROTHERS AND BARNUM & BAILEY)
CIRCUS, et al.,)
)
Defendants.)

Civ. No. 03-2006 (EGS/JMF)

**RULE 34 REQUESTS FOR ENTRY UPON LAND
& INSPECTION OF ELEPHANTS AND FACILITIES**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs request entry upon the land designated as the Williston Elephant Retirement Facility and the Center for Elephant Conservation for the purpose of inspecting the elephants maintained by Ringling Brothers and Barnum & Bailey Circus and/or Feld Entertainment (hereafter "Ringling Brothers"), and the facilities relevant to defendants' maintenance and care for elephants at these facilities. Plaintiffs also request permission to enter the land where the Ringling Brothers' Blue and Red Units are located, for the purpose of inspecting the elephants and the facilities relevant to defendants' maintenance and care of the elephants while these two Units of Ringling Brothers' circus are on the road. The behavior and physical condition of the elephants, and their maintenance by defendants in the ordinary course of defendants' operations are relevant to the claims at issue in this lawsuit.

I. The Stationary Facilities

A. Williston Elephant Retirement Facility

Plaintiffs request permission to enter upon the land at the facility known as the Williston Elephant Retirement Facility or "Two Tails Ranch" (hereafter "Williston" or "the facility") and to physically inspect, observe, test, photograph, and videotape: (a) all of the elephants Ringling Brothers maintains at the facility; and (b) those parts of the facility that pertain in any way to the maintenance and care of the elephants.

Williston is located at 18655 NE 81st Street Williston, Florida 32696. According to documents provided by defendants, Ringling Brothers has sufficient control over this property to permit the requested inspection.

This request pertains to all of the elephants at the facility. According to records that have been provided by defendants, as of April 1, 2006, the following Ringling Brothers elephants were present at Williston: Calcutta I, Cora, India, Prince Tusk, Sabu/Zabu, Putzi, and Siam. In addition, once Ringling Brothers' Gold Unit is done touring in August of 2006, the elephants named Mysore and Angelica may also be present at Williston.

B. The Center For Elephant Conservation

Plaintiffs request the right to enter upon the land at the facility known as the "Center for Elephant Conservation" (hereafter "CEC" or "the facility"), and to physically inspect, observe, test, photograph, and videotape: (a) all of the elephants Ringling Brothers maintains at the facility; and (b) those parts of the facility that pertain in any way to the maintenance and care of the elephants.

The CEC is located on 200 acres at 3401 Old Grade Road, Polk City, Florida 33868. The CEC is owned and operated by Ringling Brothers.

This request pertains to all of the elephants at the facility. According to records that have been provided by defendants, as of April 27, 2006, the following Ringling elephants were present at the CEC: Alana, Emma, Icky II, Louie, Zina, Shirley, Josky, Mala, Sally, Sid, Lutzi, Tova, Asha, Aree, Rudy, Susan, Burma, Smokey, Charlie, Rajah, Romeo, Osgood, Vance, Irvin, P.T., Doc, and Gunther. In addition, once the Gold Unit is done touring in August of 2006, Mysore and Angelica may also be present at the CEC.

C. The Details Of The Stationary Facilities Inspections

Plaintiffs seek permission for a team of four to five experts to enter the facilities and conduct the inspection, accompanied by plaintiffs' attorneys, photographers, and videographers. The experts will include a board certified veterinarian, an elephant biologist, up to two animal behaviorists, and an expert in elephant training and management. Once the date of the inspection is agreed upon, a more detailed description of the inspection team, including the identities and credentials of the experts who will be participating in the inspection, will be provided to counsel for defendants.

Plaintiffs request that defendants make available at each of these two inspections: (a) an officer, director, managing agent, or other person who is authorized to represent Ringling Brothers and who will identify the elephants at each facility during the inspection; and (b) those personnel who are necessary to ensure that plaintiffs' representatives are provided complete access to all of the elephants and facilities, as needed to perform the requested inspections.

Plaintiffs request permission to inspect, observe, and take photographs and video footage of the elephants for up to six hours at each facility. Plaintiffs request permission to physically inspect, observe, photograph, and take video footage of each of the elephants. This includes, but is not limited to, inspecting the bottoms of the elephants' feet, behind their ears, and the opportunity to wash or wipe down any part of an elephant.

In addition, plaintiffs request permission to inspect, observe, photograph, and take video footage of: (1) all areas of the facilities where the elephants are kept or maintained for any period of time, including, but not limited to, the elephant barns and yard; and (2) the areas of the facilities associated with the maintenance of the elephants including, but not limited to, the veterinary offices, places where food is stored, and places where other elephant associated supplies are kept, including, but not limited to, medicine and training tools and equipment. According to Ringling Brothers' website, at the CEC this would include the main barn, the two single male barns, one double male barn, the five outside paddocks, the hay barn, any other part of the facilities where the elephants may be maintained for any period of time, and any facilities that are relevant to the maintenance and care of the elephants. See <www.elephantcenter.com/comfortsafety.aspx>. At Williston this would include, but not be limited to, the main barns and outside paddocks.

In the interest of minimizing disruption of defendants' operations, plaintiffs are proposing several alternative dates for inspecting the elephants in Florida, and will make plaintiffs' inspection team available to conduct the inspections of Williston and the CEC during two consecutive days. The inspections of the elephants at Ringling Brothers' Florida facilities could occur sometime during the following date ranges:

- (1) September 20-27

(2) October 1-7

(3) November 5-10

II. On The Road

A. The Blue Unit

Plaintiffs request permission to enter upon the land at the venue where Ringling Brothers' Blue Unit is located during the time of the inspection for the purpose of observing, physically inspecting, photographing, and videotaping all of the elephants and the facilities involved in the maintenance and care of the elephants. On information and belief, Ringling Brothers has authority to permit plaintiffs access to these facilities for purposes of performing the requested inspections.

This request pertains to all of the elephants on the Blue Unit. According to records that have been provided by defendants, as of March 17, 2006, the following Ringling Brothers elephants were on the Blue Unit: Karen, Minyak, Nichole, Bonnie, Juliette, Kelly Ann, Sara, and Jewell. In addition, once Ringling Brothers' Gold Unit is done touring in August of 2006, the elephants named Mysore and Angelica may also be present on the Blue Unit.

B. The Red Unit

Plaintiffs request permission to enter upon the land at the venue where Ringling Brothers' Red Unit is located during the time of the inspection for the purpose of observing, physically inspecting, photographing, and videotaping the elephants and the facilities involved in the maintenance and care of the elephants. On information and belief, Ringling Brothers has authority to permit plaintiffs access to these facilities for purposes of performing the requested inspections.

This request pertains to all of the elephants on the Red Unit. According to records that have been provided by defendants, as of April 27, 2006, the following Ringling Brothers elephants

were on the Red Unit: Asia, Assan, Baby, Bananna, Banko, Luna, Sarah, Siam, Toby, and Tonka. In addition, once Ringling Brothers' Gold Unit is done touring in August of 2006, the elephants named Mysore and Angelica may also be present on the Red Unit.

C. The Details Of The On The Road Inspections

Plaintiffs seek permission for a team of four to five experts to enter the facilities and conduct the inspection, accompanied by plaintiffs' attorneys, photographers, and videographers. The experts will include a board certified veterinarian, an elephant biologist, up to two animal behaviorists, and an expert in elephant training and management. Once the date of the inspection is agreed upon, a more detailed description of the inspection team, including the identities and credentials of the experts who will be participating in the inspection, will be provided to counsel for defendants.

Plaintiffs request that defendants make available at each of these two inspections: (a) an officer, director, managing agent, or other person who is authorized to represent Ringling Brothers and who will identify the elephants at each facility during the inspection; and (b) those personnel who are necessary to ensure that plaintiffs' representatives are provided complete access to all of the elephants and facilities, as needed to perform the requested inspections.

Plaintiffs request permission for their inspection team to inspect, observe, photograph, and videotape the elephants being unloaded from the train at the venue, and to inspect the elephants and the train cars in which the elephants are transported.

Plaintiffs request permission to observe, photograph, and videotape the elephants being taken to the arena, coliseum, or other facility where the Unit will be housed during its tenure at the venue where the inspection is being conducted.

Plaintiffs request permission to observe, photograph, and videotape the elephants where they are maintained, where they rehearse, and where they perform at each the facility for up to six hours.

Plaintiffs request permission to physically inspect, observe, photograph, and take video footage of the elephants at the facility, including, but not limited to, inspecting the bottoms of the elephants' feet, behind their ears, and the opportunity to wash or wipe down any part of an elephant.

In addition, plaintiffs request permission to inspect, observe, photograph, and take video footage of: (1) all the areas of the facilities where the elephants are kept or maintained for any period of time, including, but not limited to, tents, picket lines, and hot wire pens; and (2) all the areas of the facilities associated with the maintenance of the elephants, including, but not limited to, where food and medicine are stored, and places where other elephant associated supplies are kept, including, but not limited to, training tools and equipment.

In the interest of minimizing the disruption of defendants' operations, plaintiffs are proposing several alternative dates for inspecting the elephants on the road. The following are venues where the inspection of the Red Unit could be conducted:

- (1) Grand Rapids, Michigan – September 27-October 1
- (2) Boston, Massachusetts – October 6-15
- (3) Pittsburgh, Pennsylvania – November 1-5
- (4) Auburn Hills, Michigan – November 8-12

The following are venues where the inspection of the Blue Unit could be conducted:

- (1) Sacramento, California – September 21-24
- (2) Denver, Colorado – October 4-15
- (3) Rosemont, Illinois – November 1-12
- (4) Chicago, Illinois – November 14-26

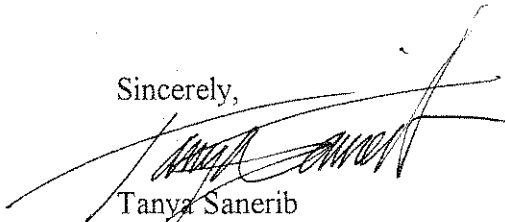
Defendants will need to inform plaintiffs' counsel precisely when each Unit is scheduled to arrive at the cities listed above so that plaintiffs can schedule the inspections to include all of the de-training of the elephants when the circus first arrives at the venue where the inspection will take place.

* * * * *

None of the four inspections described above can be scheduled to occur at the same time. Aside from this requirement, plaintiffs are willing to work with defendants to find mutually agreeable dates for the inspections.

To the extent that Mysore and/or Angelica are not present at Williston, the CEC, the Blue Unit, or the Red Unit when the requested inspections take place, plaintiffs request permission to physically inspect, observe, test, photograph, and videotape these two elephants wherever they are located at such time.

Sincerely,



Tanya Sanerib
Katherine Meyer
Attorneys for plaintiffs

Dated: August 11, 2006