

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

FELD ENTERTAINMENT, INC.

Plaintiff,

v.

ANIMAL WELFARE INSTITUTE, et al.

Defendants.

Case No. 07-1532 (EGS/JMF)

**OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT BY
DEFENDANTS KATHERINE MEYER, ERIC GLITZENSTEIN AND
MEYER GLITZENSTEIN & CRYSTAL**

EXHIBIT 11

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' FIRST SET OF DOCUMENT REQUESTS
TO PLAINTIFF TOM RIDER**

Pursuant to Federal Rule of Civil Procedure 34 and the Stipulated Pre-Trial Schedule dated December 5, 2003, defendants Feld Entertainment, Inc. and Ringling Bros. and Barnum & Bailey Circus request that plaintiff Tom Rider produce, give access to, and permit the undersigned counsel for defendants to inspect and copy any and all of the materials hereinafter requested before or within thirty (30) days after the date of service of these requests, at a place to be mutually agreed upon by counsel. The following definitions and instructions should be considered in responding to these Requests.

I. DEFINITIONS AND INSTRUCTIONS

DEFINITIONS

1. **“ANIMAL ADVOCATES” or “ANIMAL ADVOCACY ORGANIZATION”** means any individual or organization as that term is used in plaintiffs’ Initial Disclosures. The term includes but is not limited to the American Society for the Prevention of Cruelty to Animals (“ASPCA”) or any local or regional Society for the Prevention of Cruelty to Animals (“SPCA”), the Fund for Animals (“FFA”), the Animal Welfare Institute (“AWI”), the People for the Ethical Treatment of Animals (“PETA”), the Performing Animal Welfare Society (“PAWS”), the Earth Liberation Front (“ELF”), the Animal Liberation Front (“ALF”), Animal Protection Institute (“API”), the Captive Animals’ Protection Society (“CAPS”), In Defense of Animals (“IDA”), and Compassion over Killing.
2. **“COMMUNICATION”** means the transmittal or exchange of information of any kind in any form, including oral, written, or electronic form.
3. **“COMPLAINT”** refers to the complaint filed by the ASPCA, AWI, FFA, and Tom Rider in the above-captioned matter, dated September 23, 2003.
4. **“DEFENDANTS”** refers to Feld Entertainment, Inc. and the Ringling Bros. and Barnum & Bailey Circus.
5. **“DOCUMENT”** should be interpreted in the broadest sense permitted by the Federal Rules of Civil Procedure, and includes, but is not limited to, writings (whether handwritten or typed), letters, transcripts, speeches, drafts, facsimiles, reports, calendars, correspondence, minutes, drawings, graphs, charts, receipts, invoices, ledger entries, photographs, audio recordings, videotapes, e-mails, and other data compilations from which

information can be obtained, including microfilm, microfiche, and computer printouts, cards, disks, and other sources of electronically or magnetically maintained information. The term “document” includes originals and all non-identical copies, including but not limited to any version containing non-conforming notes, marginal annotations, or other markings, and any preliminary version, draft, or revision of any document.

6. “FORMER PLAINTIFFS” means PAWS, Patricia Derby, and/or Edward Stewart.

7. “HARM” means to “beat,” “hit,” or “wound” an elephant or other animal, as those terms are used in the Complaint.

8. “INITIAL DISCLOSURES” means Plaintiffs’ Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), dated January 30, 2004.

9. “NOTICE OF INTENT TO SUE LETTERS” means letters dated December 21, 1998, November 15, 1999, and April 12, 2001, sent by plaintiffs and former plaintiffs to defendants indicating an intent to sue defendants pursuant to the citizen suit provision of the Endangered Species Act, 16 U.S.C. § 1540.

10. “PERSON” means any natural persons, proprietorships, public or private corporations, partnerships, trusts, joint ventures, groups, associations, organizations, or other legal entities, including any representative of any such person or persons.

11. “PLAINTIFFS” means all plaintiffs in this action: ASPCA, AWI, FFA, and Tom Rider.

12. “PRODUCE” or “PRODUCTION” means to provide legible, complete, and exact copies of responsive documents to the undersigned counsel, or to make such documents available to the undersigned counsel for inspection and reproduction. Where the

document is in the form of a computer program or computer data, production should include production of the responsive information in machine-readable format along with a description of the format and any other information necessary and sufficient to permit access to and an understanding of the information.

13. The phrase "REFER, REFLECT, OR RELATE TO" is used as a means of requesting information or documents that constitute, comprise, consist of, contain, evidence, set forth, propose, show, disclose, describe, discuss, mention, explain, summarize, reflect, deal with, identify, analyze, demonstrate, or in any way address, involve, regard, pertain to, touch upon, affect, or concern, in whole or in part, the subject matter of the relevant document production request.

14. "TREATMENT" as it refers to elephants or other animals includes interaction with, training of, care for, and handling of elephants or other animals as well as all aspects of animal husbandry.

15. "YOU" and "YOUR" refer to Tom Rider.

INSTRUCTIONS

You shall adhere to the following instructions in responding to these document production requests:

1. You are to produce all documents in your possession, custody, or control that are responsive to one or more of the document production requests contained herein.
2. Each document production request shall operate and be construed independently. Unless otherwise indicated, no paragraph limits the scope of any other paragraph.

3. Unless otherwise noted, these requests shall apply to the period 1996 to the present.

4. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa. Pronouns shall be construed as gender-neutral.

5. All documents that in their original form were stapled, clipped, or otherwise attached to other documents should be produced in such form.

6. For each document whose production is requested, produce the entire original document, along with all attachments, appendices, and exhibits, and any copies that are not identical to the original (whether because of notes made on, or attached to, such copy or otherwise).

7. You shall affix to every page of every document that you produce a Bates number or other unique identifier.

8. Responsive documents that are not produced because you claim a privilege must be identified on a privilege log. The log must identify the grounds for withholding the document, the date of the document, type (e.g., letter, notes, memo), nature and subject matter of the document, the authors or originators, and the addressees/recipients of the document or information or copies thereof. Each author or recipient who is an attorney should be noted as such.

9. Whenever a document is not produced in full or is produced in redacted form, so indicate on the document and state with particularity the reason or reasons it is not being produced and describe with particularity those portions of the document not being produced.

10. Pursuant to Federal Rule of Civil Procedure 34(b), plaintiff shall produce, or make available for inspection and copying, all documents "as they are kept in the usual course of business or shall organize and label them to correspond with categories in the request."

11. These document requests are continuing in nature and should be supplemented as required by Federal Rule of Civil Procedure 26(e) and the Stipulated Pre-Trial Schedule in this case.

II. DOCUMENT REQUESTS

1. All documents that refer, reflect, or relate to defendants' treatment of elephants including but not limited to documents that you received while working for defendants that refer, reflect, or relate to animal care.

2. All documents and other employment records that refer, reflect, or relate to your employment by defendants or by the operators of any other circus or any other employer that presented animals as part of its business.

3. Any guidelines for interaction with animals that you received while you were working for defendants.

4. All documents that refer, reflect, or relate to any training you have received in the treatment of animals in captivity, including, without limitation, elephants.

5. All documents that refer, reflect, or relate to any complaint or report by you or any other person acting on your behalf to any supervisor or other employee of defendants which you made while working for defendants or following your employment by defendants relating to the treatment of elephants by defendants or any of defendants' current or former employees.

6. All documents that refer, reflect, or relate to your leaving defendants' employ, including documents describing the circumstances of your departure, any communications you had with any person about the departure, or any documents that memorialize or address your reasons for leaving defendants' employment.

7. All documents that refer, reflect, or relate to your employment by Chipperfields Circus ("Chipperfields"), including without limitation:

- a) All documents that refer, reflect, or relate to your travel to Europe with Chipperfields.**
- b) Any documents you received while in the employ of Chipperfields that refer, reflect, or relate to animal care and/or guidelines for interactions with animals.**
- c) All documents that refer, reflect, or relate to any complaint or report by you or any other person acting on your behalf to any supervisor or other employee while you worked for Chipperfields or after you left the employment of Chipperfields referring, reflecting, or relating to the treatment of, handling of, care for, and/or training of elephants.**
- d) All documents that refer, reflect, or relate to your leaving the employ of Chipperfields, including documents describing the circumstances of your departure, any communications you had with any person about the departure, or any documents that memorialize or address your reasons for leaving Chipperfields.**

8. All documents that refer, reflect, or relate to any litigation or any adverse proceedings between you and Chipperfields or any person affiliated with Chipperfields, including any correspondence relating to such litigation or any pleadings or other documents from such litigation.

9. All documents that refer, reflect, or relate to your return to the United States following your employment with Chipperfields, including documents that refer, reflect, or relate to the means in which you traveled and the source of the funds used to pay for that travel.

10. All newspaper, magazine, or other articles, or videotapes or audiotapes or interviews, speeches, or discussions in which you are quoted or mentioned, including, without limitation, articles, videotapes, or audiotapes from domestic and foreign newspapers, magazines, television programs, and/or radio programs.

11. All documents that purport to memorialize any events alleged in the notice of intent to sue letters or that refer, reflect, or relate to those alleged events.

12. All documents that refer, reflect, or relate to allegations in the complaint of defendants harming elephants; to elephants being harmed; or to defendants keeping elephants "confined" or "in chains each day, for most of the day," including, without limitation, any documents that refer, reflect, or relate to any "physical discomfort, behavioral stress, and severe psychological harm" caused by such conduct.

13. All documents that refer, reflect, or relate to defendants having "taken" an elephant within the meaning of the Endangered Species Act.

14. All documents that describe, purport to memorialize, or refer, reflect, or relate to any of the alleged events or facts as set forth in the complaint relating to elephants' "stereotypic" behavior or any such alleged behavior by defendants' elephants, including but not limited to documents documenting such behavior, documents that refer, reflect, or relate to the reasons for such behavior, and/or documents describing such behavior.

15. All documents that refer, reflect, or relate to the death of Benjamin, including without limitation all documents relating to the causes of Benjamin's death and any alleged "routine beatings" of Benjamin as are alleged in the complaint.

16. All documents that refer, reflect, or relate to defendants' separation of juvenile elephants from their mothers, including without limitation any documents that refer,

reflect, or relate to allegations in the complaint of defendants "forcibly remov[ing] baby elephants from their mothers with the use of ropes and chains," defendants' intent to "establish dominance and control over the baby elephants" through the separation process, or any alleged injuries suffered by Doc, Angelica, or any other elephant during the process of being separated from its mother.

17. All documents that refer, reflect, or relate to the death of Kenny, including without limitation any documents that refer, reflect, or relate to allegations in the complaint of "Ringling Bros. ma[king] Kenny perform on the day that he died, even though it knew that he was ill" and any documents that refer, reflect, or relate to Kenny allegedly being "routinely beaten and hit by Ringling Bros."

18. All documents that refer, reflect, or relate to any communications between you and any federal, state, or local government agency or official regarding any circus including, but not limited to, Ringling Bros. and Barnum & Bailey Circus.

19. All documents that refer, reflect, or relate to any communications you have had with defendants or any current or former employee of defendants since your employment by defendants ended.

20. Bank statements or other documents demonstrating your sources of income since you stopped working in the "circus community."

21. All documents that refer, reflect, or relate to any payments or gifts in money or goods made by any animal advocates or animal advocacy organizations to you, including but not limited to any payment of your transportation expenses, hotel bills, or food, or other costs of living by any animal advocates or animal advocacy organizations.

22. All documents that refer, reflect, or relate to any communication between you and any animal advocates or any person affiliated with such a group, including but not limited to communications while you were working for the Chipperfields or after you left the employ of the Chipperfields but before you returned to the United States.

23. All publications, newsletters, pamphlets, letters, and other communications that you have received from any animal advocates regarding the presentation of elephants in circuses, treatment of elephants by circuses, training of elephants, conditions of elephants in the wild and/or in captivity, and the general health and/or well-being of elephants in the care of defendants or any other circus.

24. All documents that refer, reflect, or relate to any membership you have ever had, or financial or other contribution you have ever made, to any animal advocacy organization.

25. All documents that refer, reflect, or relate to any public statements, including without limitation statements that you have made for any press medium, that concern treatment of animals by defendants or any other circus.

26. All documents in your possession that refer, reflect, or relate to the treatment of elephants in captivity, including but not limited to American Zoological Association guidelines; guidelines issued by other circuses or organizations, including any animal advocates; U.S. Department of Agriculture elephant training guidelines; and any correspondence about the same.

27. Any documents that refer, reflect, or relate to elephant behavior and/or physiology, whether of elephants in captivity, in the wild, or both.

28. All documents that refer, reflect, or relate to the presence of tuberculosis in circus elephants.

29. All documents that refer, reflect, or relate to legislative bans on the presentation of animals in circuses in U.S. and foreign jurisdictions, including without limitation legislation and proposed legislation, correspondence, and speeches or testimony regarding such legislation.

30. Any fact sheets that refer, reflect, or relate to the presentation of and/or treatment of elephants in circuses, and any documents or records underlying or associated with those fact sheets.

31. Any other correspondence or other documents expressing support for or opposition to the presentation of elephants in circuses, including but not limited to speeches, articles, letters to the editor, and Internet postings.

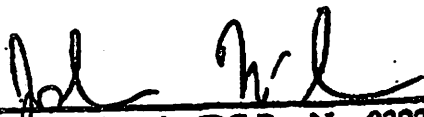
32. All documents not otherwise responsive to an earlier request that refer, reflect, or relate to any complaint or report you have made about defendants or any criticism you have made of defendants.

33. All documents referenced in plaintiffs' Initial Disclosures not covered by an earlier request.

34. All documents not covered by an earlier request that refer, reflect, or relate to any person identified in your Initial Disclosures as likely to have discoverable information that you may use to support your claims in this case.

35. All documents considered or relied upon in answering any of defendants' interrogatories or requests for admission.

COVINGTON & BURLING

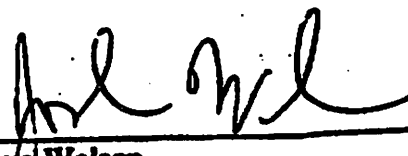

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ATTORNEYS FOR DEFENDANTS

March 30, 2004

I, Joshua D. Wolson, certify that I caused a true and correct copy of the foregoing to be served on this 30th day of March, 2004, Federal Express, upon the following:

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