

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
THE FUND FOR ANIMALS, ANIMAL WELFARE INSTITUTE, AND HSUS'
MOTION FOR A PROTECTIVE ORDER**

Civ. No. 1:07-cv-1532

Ex. 2

Declaration of Cathy Liss

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

<hr/>)	
FELD ENTERTAINMENT, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 07-1532 (EGS/JMF)
ANIMAL WELFARE INSTITUTE, et al.,)	
)	
Defendants.)	
)	
<hr/>)	

DECLARATION OF CATHY LISS

I, Cathy Liss, declare as follows:

1. I am the President of the Animal Welfare Institute (“AWI”) and am more than twenty-one (21) years of age. I have held this position since 2002. I have been working for AWI in various capacities since 1982. Unless indicated otherwise, I make this declaration based upon my personal knowledge, except where such facts are stated upon my belief, and those facts I believe to be true.

2. As President of AWI, I oversee the day-to-day operations of the organization. As a result of my work as President of AWI, I have a direct relationship with many of AWI’s donors and I am familiar with the relationship AWI has with its donors, including AWI’s reliance on donors to fund AWI’s continued operations and AWI’s efforts to protect its donors’ confidentiality.

3. AWI is a non-profit organization founded in 1951 and is dedicated to reducing animal pain and fear caused by people. AWI seeks better treatment for animals, including but not limited to those animals in the entertainment industry. AWI has approximately 39,000

constituents and donors worldwide. AWI spends significant resources each year advocating for the protection of endangered and threatened species, including Asian elephants. AWI sends submissions to the federal government concerning the treatment of animals and submits comments in response to the government's requests for public comment concerning animal issues. Even though it is a small organization, where appropriate, AWI also engages in litigation in an effort to protect animals in those select cases that AWI believes are meritorious and warrant judicial action.

4. As a not-for-profit charitable organization, AWI is dependent on the continuing financial support provided by its donors. Donations are indispensable to the continued existence of and are essential to AWI's day-to-day operations. Even a temporary loss of donor support would cause serious harm to AWI and its mission and initiatives.

5. AWI also receives support from volunteers who make donations of their time. The support and goodwill that AWI receives from those who support AWI's mission and initiatives through these donations are essential to AWI's success and existence.

6. AWI considers information about its donors, including their identities, contact information, amount of contributions, and giving history, to be confidential. Moreover, a large number of our contributors are individuals who wish to keep their donations and identities confidential. Some of AWI's largest donors have specifically indicated that their willingness to donate is conditioned upon anonymity. Accordingly, AWI maintains the confidentiality of this information to protect both its interests and, more importantly, those of its donors.

7. AWI has an agreement with its donors pledging AWI's commitment to privacy regarding confidential information submitted to AWI. Exhibit 1 to this Declaration is the written privacy policy available online to donors, wherein AWI informs donors that information will not

be shared with or sold to parties outside AWI's operations. AWI expressly assures its donors that it: (1) has safeguards in place to prevent unauthorized access to information; (2) maintains data accuracy; (3) ensures the correct use of information; and (4) has put in place physical, electronic, and managerial procedures to safeguard and secure the information AWI collects online. AWI has an agreement with its donors that their information will be confidential. *Id.*

8. I often include a handwritten note in letters to our major donors and, on numerous occasions, I and others at AWI have sent handwritten notes and individualized emails to donors assuring them of the confidentiality of their identity and donations. Exhibit 2 to this Declaration is an example of a personalized email that AWI has sent over the years ensuring the confidentiality of donor information.

9. It is AWI's policy not to disclose confidential donor information unless required by law. AWI does not list the names of its donors in its magazine or its annual report. While the IRS requires that AWI submit the names of the top donors in its annual filing (Form 990s), AWI redacts this information before making the Form 990s public. AWI would not knowingly provide its constituents and donors' private information to anyone, much less an organization hostile to AWI's animal protection efforts.

10. As part of AWI's efforts to ensure the confidentiality of its donors, only a few individuals working at AWI have password access to the donor list and the list is maintained in-house and not on an external drive maintained by a third party.

11. If Feld Entertainment, Inc. ("FEI") is given access to the identities of AWI's constituents and donors and other related sensitive information, I have strong reason to believe it would cause substantial harm to AWI and expose its constituents and donors to harassment and retaliation. Further, the disclosure of this confidential information to FEI would represent a

betrayal of AWI's commitment to its donors that is set forth above. In addition, if FEI is given this information, I have strong reason to believe that AWI's donors will lose their trust in AWI and its ability to safeguard their confidential information. As a result, AWI's current donors will be unlikely to continue their financial support and fewer donors will choose to contribute based on the reasonable fear that their membership and/or financial support will subject them to harassment and/or retaliation. If this occurs, it will threaten AWI's survival.

12. I have strong reason to believe that there is a heightened risk that AWI's donors will face harassment and retaliation if their names are disclosed in this case. FEI's past harassment and retaliation against animal welfare organizations and their supporters is well-known in the animal welfare community and a significant cause for concern among FEI's adversaries. In addition, I have strong reason to believe that if FEI is given access to the identities of AWI's donors, FEI will use this information to attempt to restrict AWI's funding.

13. FEI's pursuit of donor information sends a chilling message to AWI's staff, volunteers, consultants, constituents, and donors that limits and censors the ability of AWI to carry out its mission and initiatives and for AWI's staff to do the job they have been hired for and want to do. I have strong reason to believe that turning over donor information, which was entrusted to AWI on a confidential basis, to an entity that AWI is critical of (FEI) will severely restrict AWI and AWI's donors' right to free speech and association and threaten AWI's survival.

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

Executed on November 25, 2013


Cathy Liss



SEARCH

Security/Privacy

Our Commitment To Privacy

Your privacy is important to us. To better protect your privacy we provide this notice explaining our online information practices and the choices you can make about the way your information is collected and used. To make this notice easy to find, we make it available on every page.

The Information We Collect:

This notice applies to all information collected or submitted on the <http://www.awionline.org/> (<http://www.awionline.org/>); <http://www.saplonline.org/> (<http://www.saplonline.org/>); <http://www.labanimalissues.org/> (<http://www.labanimalissues.org/>); <http://www.endangeredspecieshandbook.org/> (<http://www.endangeredspecieshandbook.org/>); <http://www.compassionindex.org/> (<http://www.compassionindex.org/>); or <http://www.animalwelfareapproved.org/> (<http://www.animalwelfareapproved.org/>) websites. On several pages you can submit information that will require some basic information of your choosing. The types of personal information that may be collected on this page:

Name
Address
Phone number
Email address
Issue Reported

The Way We Use Information:

We use the information you provide about yourself when submitting the form according to your instructions as indicated on the form. We do not share this information with parties outside of AWI's operations.

We use return email addresses to answer the email we receive. Such addresses are not used for any other purpose and are not shared or sold with parties outside of AWI's operations.

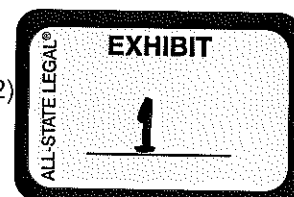
Finally, we never use or share the personally identifiable information provided to us online in ways unrelated to the ones described above.

Our Commitment To Data Security:

To prevent unauthorized access, maintain data accuracy, and ensure the correct use of information, we have put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information we collect online.

How To Contact Us:

Should you have other questions or concerns about these privacy policies, please call AWI at (202) 337-2332.



REDACTED

From: REDACTED
Sent: Tuesday, December 16, 2003 3:00 PM
To: Cathy Liss REDACTED
Subject: FW: Thank you. We appreciate your generosity.

-----Original Message-----

From: REDACTED
Sent: Tuesday, December 16, 2003 11:36 AM
To: REDACTED
Subject: Re: Thank you. We appreciate your generosity.

Currently i donate 5\$ a month. But when I make more money I will be able to donate much more.

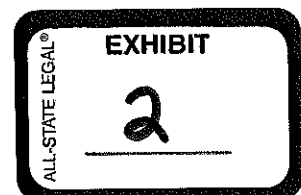
Thank you,
REDACTED

Animal Welfare Institute <awi@awionline.org> wrote:

Thank you, REDACTED for your generous donation to the Animal Welfare Institute.

Your gift on Dec 15, 2003 will help AWI in its fight against animal suffering. The information you provided is confidential. We do not reveal names, nor do we sell or trade our mailing lists.

Cathy A. Liss
President
Animal Welfare Institute
P.O. Box 3650



Washington, DC 20027
<http://www.awionline.org>

Check out my music!

www.truse.com

www.mp3.com/truse1

Thanks!

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