

**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. 3**

**Declaration of Geoffrey Handy**

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

<p>FELD ENTERTAINMENT, INC.,</p> <p align="center"><b>Plaintiff,</b></p> <p align="center">v.</p> <p>ANIMAL WELFARE INSTITUTE, <i>et al.</i>,</p> <p align="center"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Case No. 07-1532 (EGS/JMF)</b></p>
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**DECLARATION OF GEOFFREY HANDY**

I, Geoffrey Handy, declare as follows:

1. I serve as the Senior Vice President, Direct Marketing and Membership, for The Humane Society of the United States (“HSUS”). I have held this position since 2011. I have been employed by HSUS in a variety of positions since 1989. I am more than twenty-one (21) years of age and I make this declaration based upon my personal knowledge.

2. HSUS is supported by inspired and passionate donors who make cash and non-cash contributions that enable us to achieve our mission of celebrating animals and confronting animal cruelty. As HSUS’s Senior Vice President, Direct Marketing and Membership, my job responsibilities include inviting our supporters to donate to us via a variety of channels, including by email or postal mail, and for a variety of campaigns such as ending animal fighting or reducing the suffering of farm animals. I am familiar with HSUS’s relationship with its donors and HSUS’s reliance on those donors to fund HSUS’s operations. I am also familiar with the policies and procedures that are in place to protect our donors’ confidentiality, including our Privacy Policy and our Employee Handbook.

3. Since 1954, HSUS has been fighting for the protection of all animals through advocacy, education, and hands-on programs. HSUS works to reduce animal suffering and to create meaningful social change for animals by advocating for sensible policies, investigating cruelty and working to enforce existing laws, educating the public about animal issues, joining with corporations on behalf of animal-friendly policies, and conducting hands-on programs to make a more humane world. HSUS is also the leading disaster relief agency for animals and confronts national and global animal cruelties through major campaigns.

4. As a 501(c)(3) charitable organization, HSUS relies on the financial support of its donors. HSUS receives donations through a variety of channels, including the mail, the HSUS website, the telephone, and testamentary bequests. These donations are essential to HSUS’s

continued existence. A temporary loss of donor support would cause serious financial harm to HSUS and its mission.

5. HSUS considers donor information to be confidential business information and is committed to keeping donors' personal information private through several policies and procedures. HSUS maintains a Privacy Policy that is available on the HSUS website at [www.humanesociety.org/privacy.html](http://www.humanesociety.org/privacy.html). (See Exhibit A.) The Privacy Policy provides that any information obtained through the HSUS website, including online donations and email addresses, will be protected. HSUS will only share such information with HSUS affiliated organizations or with sponsors or licensees that HSUS has determined to be "committed to the protection of visitors' privacy and committed to the goals of The HSUS." (*Id.* at 2.) Further, "HSUS uses very strict standards in determining which reputable companies become sponsors and licensees. . . ." (*Id.*) Donors have the option to indicate via email, however, that they do not wish that their information be shared even with such affiliated third parties. (*Id.*) To protect donor information, HSUS also utilizes "generally accepted, industry-standard security systems, software, and encryption technologies to protect against unauthorized access to The HSUS servers, equipment, and other components of [HSUS's] online presence." (*Id.*)

6. In addition, the HSUS Employee Handbook provides that "[t]he protection of confidential business information and trade secrets is vital to the interests and the success of The HSUS. Such confidential information includes, but is not limited to . . . constituent lists. . . ." (See Exhibit B.) Constituent lists include the HSUS membership and donor lists and the HSUS mailing and email lists. The HSUS Employee Handbook warns that "[e]mployees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the misuse of such information." (*Id.*)

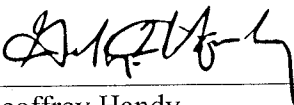
7. Likewise, in one of HSUS's direct mail pieces each year, HSUS provides donors with the opportunity to indicate that they would prefer that HSUS not share their information with other groups. (See Exhibit C.) The mailer states in pertinent part that "[a]t times, The HSUS shares your name and address with other groups we think you may like to hear from. If you'd prefer that this not be done, please check here." (*Id.*) For donors who do not opt out from sharing, HSUS follows strict guidelines under which HSUS will only provide donor information to a limited category of persons, organizations, and companies with whom HSUS has determined to have goals consistent with the HSUS. Moreover, in situations in which HSUS shares donor information with third parties, HSUS nonetheless reserves the right to approve the third-parties' communications before they are sent to our donors to ensure that such communications are in keeping with HSUS's mission.

8. HSUS does not believe that Feld Entertainment Inc. ("FEI") shares its animal welfare goals. FEI is a corporation that uses captive animals for the sake of entertainment. HSUS opposes the use of wild animals in circuses and other traveling acts because cruelty to animals is inherent in such displays. (See Exhibit D.) I do not believe that HSUS's donors would approve of HSUS sharing their personal information with a company such as FEI. HSUS therefore would never provide private donor information to FEI voluntarily.

9. I believe that if HSUS is compelled to produce confidential donor information to FEI, then our current donors would be less likely to continue their financial support out of concern that HSUS cannot adequately protect their private information. I also believe that there would be fewer new donors based on the fear that their names and addresses would be shared with companies and organizations that run counter to HSUS's mission.

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

Executed on November, 25, 2013

  
\_\_\_\_\_  
Geoffrey Handy

**EXHIBIT A**

NOVEMBER 9, 2009

# Privacy Policy

The Humane Society of the United States

The Humane Society of the United States (The HSUS) is committed to your right to privacy and to keeping your personal information private. You can visit The Humane Society of the United States web site without telling us who you are or revealing any identifying information about yourself. However, because our web site includes areas in which visitors can provide personally identifying information, we have developed this Privacy Policy to inform you of our policies and practices regarding information we collect about you.

This Privacy Policy governs the URL <http://www.humanesociety.org> and certain electronic communications sent out by The HSUS. This web site is owned and operated by The Humane Society of the United States for the benefit of its members and other visitors interested in the protection of all animals. Our headquarters is located at 2100 L Street, NW, Washington, DC 20037. The HSUS reserves the right to modify or amend this Privacy Policy at any time and for any reason. Any changes to this Privacy Policy will be preceded by a notice posted to this Privacy Policy at least ten (10) days prior to the effective date of such change.

## How We Collect Information About You

### Information You Voluntarily Provide

The HSUS collects and maintains certain personal information about you when you send us an e-mail or complete any of our online forms, such as when you request information from us, make a donation, subscribe to one of our online newsletters, request to become a member, sign up for mobile text alerts, or forward a web page, electronic postcard, electronic ballot, or electronic newsletter. Such information may include your name, mailing address, and e-mail address; it may also include a mobile phone number, the e-mail addresses of those to whom you forward HSUS electronic content, and any other information collected in the forms. You may be asked to provide credit card information to become a member of The HSUS, contribute to The HSUS, purchase certain information or materials from The HSUS, or subscribe to various HSUS publications.

### Other Information

humanesociety.org also collects certain other information that cannot identify you personally when you visit our web site. This information includes your IP address and your domain name. HSUS.org logs these IP addresses and domain names, and aggregates them for system administration and to monitor the use of our site. We use the aggregated information to measure the number of visits to our site, the average time spent on our site, the number of pages viewed, and various other site statistics. This monitoring helps us to provide a more useful and engaging online experience to HSUS.org visitors, and helps us to improve the quality of our content.

The HSUS uses cookies in order to make the results available for your on-site searches. Cookies are not used for any other reason on this site. A cookie is a small file that is sent out by a web site, accepted by the user's browser, and placed on the user's hard drive. You can always set your browser to warn of cookies being placed, and then chose which cookies you want to accept. The HSUS does not match any information gathered by cookies with personal information you may have voluntarily submitted to The HSUS.

The HSUS uses remarketing with Google Adwords and analytics to display content specific advertisements to visitors that have previously visited our site when those visitors go to other websites that have the Google Display Network implemented.

The HSUS and other third-party vendors, including Google, use first-party and third-party cookies together to inform and serve ads based on a visitor's past visits to our website.

You may opt out of Google's use of cookies by visiting Google's [Ads Settings](#) at any time. Alternatively, you can opt out of a third-party vendor's use of cookies by visiting the [Network Advertising Initiative opt-out page](#).

## Ways Information About You Is Used

We may use the information you voluntarily provided to contact you regarding animal-related issues we feel you may be interested in, to keep you updated regarding The HSUS's programs, and to extend an invitation to you to support our programs. We may also send such information to the people whose e-mail addresses you provide when forwarding HSUS electronic content. When we do so, our sole intent is to enlarge our family of informed animal advocates and organizational supporters. Every recipient of our electronic communications can quickly and easily "opt out" of future such communications by following the instructions on any electronic communication we send.

From time to time, we may make such voluntary information, excluding credit card information (which will never be disclosed), available to The HSUS's affiliate organizations or to sponsors or licensees that provide special programs or services we think you might find interesting or beneficial. The HSUS uses very strict standards in determining which reputable companies become sponsors and licensees, to ensure that such organizations are committed to the protection of visitors' privacy and committed to the goals of The HSUS. If your volunteered personal information will be used in any manner other than as stated above, such use shall be specifically posted. If you wish to update or remove your information, or if you do not wish your information to be shared with affiliated third parties, please e-mail us at [humanesociety@hsus.org](mailto:humanesociety@hsus.org). You may also unsubscribe at any time in every issue of our newsletters.

## Other

From time to time, The HSUS may link to other web sites not affiliated with The HSUS. The HSUS attempts to link only to those web sites which also respect a visitor's privacy and the goals of The HSUS. However, The HSUS cannot be responsible for the content or policies of third-party web sites. Please check with these third-party organizations or companies for their specific privacy policies. If you find inoperable links or are concerned about any of the sites that The HSUS currently links to, please inform The HSUS by contacting us at [humanesociety@hsus.org](mailto:humanesociety@hsus.org). For more information regarding linking to The HSUS's web sites, please read "[Linking to humanesociety.org](#)" on our web site.

## Security

The HSUS uses generally accepted, industry-standard security systems, software, and encryption technologies to protect against unauthorized access to The HSUS servers, equipment, and other components of our online presence. This includes using industry-standard security systems to protect credit card processing information.

## Contacting The HSUS

If you would like to contact The HSUS about correcting information we might have collected, or if you have any questions about this Privacy Policy, please e-mail us at [humanesociety@hsus.org](mailto:humanesociety@hsus.org) or write to us at Webmaster, The HSUS, 2100 L Street, NW, Washington, DC 20037.





**EXHIBIT B**

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**3.17. Non-Disclosure of HSUS Proprietary Information**

The protection of confidential business information and trade secrets is vital to the interests and the success of The HSUS. Such confidential information includes, but is not limited to, the following examples:

- compensation data;
- computer processes;
- computer programs and codes;
- constituent lists;
- financial information;
- employee relations strategies;
- marketing strategies;
- new materials research;
- pending projects and proposals;
- privileged legal advice and related information and documents;
- program & campaign strategies;
- proprietary production processes;
- research and development strategies;
- scientific data;
- scientific formulae;
- scientific prototypes;
- technological data;
- technological prototypes; and
- Strategic Plans.

Employees who have access to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the misuse of such information.

**EXHIBIT C**

At times, The HSUS shares your name and address with other groups we think you may like to hear from. If you'd prefer that this not be done, please check here.

Financial information about The Humane Society of the United States (The HSUS) can be obtained by contacting us at 2100 L Street, N.W., Washington, D.C., 20037, 202-462-1160, or as stated below. **Colorado:** Colorado residents may obtain copies of the registration and financial documents from the office of the Secretary of State 1333 26th Street, Denver, CO 80202. **Florida:** BC No. C010705. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE STATE: 1-800-HELP-FLA. **Georgia:** A full and fair description of the program and activities of The HSUS and its financial statements are available upon request at the address indicated above. **Illinois:** Contracts and reports regarding The HSUS are on file with the Illinois Attorney General. **Indiana:** For the cost of postage and copying, documents and information filed under the Marketing Charitable Organizations Law can be obtained from the Secretary of State - Charitable Division, State House, Indianapolis, IN 46204. **Michigan:** MICS No. 5355. **Minnesota:** The official registration and financial information of The HSUS may be obtained from the Minnesota Secretary of State's office by calling 1-888-216-6167. **New Jersey:** INFORMATION FILED WITH THE ATTORNEY GENERAL, CONCERNING THIS CHARITABLE ORGANIZATION AND THE PERCENTAGE OF THE CONTRIBUTIONS RECEIVED BY THE CHARITY DURING THE LAST REPORTING PERIOD THAT WERE DEDICATED TO THE CHARITABLE PURPOSE MAY BE OBTAINED FROM THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY BY CALLING (973) 504-2115 AND IS AVAILABLE ON THE INTERNET AT <http://www.nj.gov/eng/charities>. **New York:** Upon request, a copy of the latest annual report can be obtained from the organization or from the Office of the Attorney General by writing the Charities Bureau, 120 Broadway, New York, NY 10071. **North Carolina:** Financial statements, annual registration and a copy of the latest annual report may be obtained from the State Registrar, Lansing Branch, at 1-858-330-5553. **Pennsylvania:** The official registration and financial information of The HSUS may be obtained from the Pennsylvania Department of State by calling toll-free within Pennsylvania, 1-800-732-6959. **Virginia:** Financial statements are available from the State Office of Consumer Affairs, P.O. Box 1163, Richmond, VA 23216. **Washington:** The notice of sponsorship required by the Charitable Solicitation Act is on file at the Washington Secretary of State, and information relating to financial statements of The HSUS is available from the Secretary of State, and the toll-free number for Washington residents: 1-800-332-4433. **West Virginia:** West Virginia residents may obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305. **Inquiries can be made to Thomas Wate, Jr., CFO of The HSUS. REGISTRATION IN THE ABOVE STATES DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION FOR THE HSUS BY THE STATE.**

HSUS-03-0000

Yes! I'd like to receive email updates from The HSUS.

My e-mail address is: \_\_\_\_\_

Many companies offer a matching gift program that doubles the value of your gift to The HSUS. Please ask your Human Resources representative for a form, complete it, and send it to us along with your gift today. Thank you!

Your contribution is tax-deductible to the extent allowed by law.

In acknowledgment of your membership gift of \$25 or more, you will receive a one-year subscription to *All Animals* magazine. Your donation of \$25 or more is tax-deductible to the full market value of \$3.00 for the subscription.

**7 Steps To A Happier Pet**

- The Humane Society of the United States, in its constant battle to end animal neglect, cruelty and abuse, encourages all its members to take the following actions in support of animals.
- Make sure your pet wears an identification tag to enable him to be returned to you if lost.
- To prevent animal behavioral problems, make sure you socialize your new puppy or dog in behavioral training classes.
- Animal behavioral problems can be retrained. Make sure your pet has a complete medical exam by a veterinarian at least once a year.
- Prepare for disasters. Make sure you have a plan for your pet in the event of a hurricane, tornado, fire or flood.
- Plan for your pet's future in case something happens to you and visit [humanesociety.org](http://humanesociety.org) periodically for more information.
- Learn how to avoid dog bites, and how to prevent your dog from biting, by going to [humanesociety.org](http://humanesociety.org).
- Have a neuter, be spayed and make sure your pet is spayed or neutered.

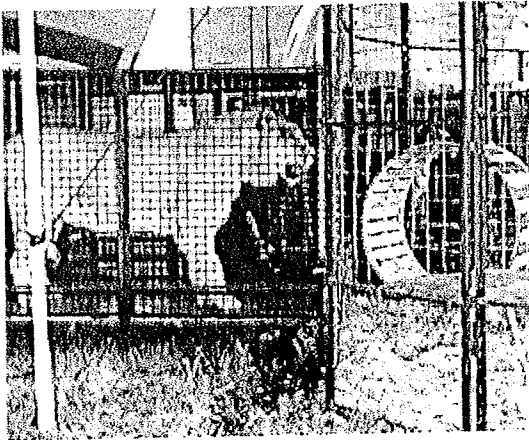
For more information, visit [humanesociety.org](http://humanesociety.org).

**EXHIBIT D**

OCTOBER 2, 2009

# Circuses

Entertainment at animals' expense  
The Humane Society of the United States



Beth Preiss / The HSUS

The Humane Society of the United States opposes the use of wild animals in circuses and other traveling acts because cruelty to animals is inherent in such displays. You can help us end such uses of wild animals by supporting federal, state, and local laws that protect captive wild and exotic animals.

## An inhumane existence day after day

Wild animals used in circuses and other traveling acts are routinely subjected to months on the road confined in small, barren enclosures. Often, the animals are provided with limited and inconsistent veterinary care. These animals may live in filthy and dilapidated enclosures or be chained for the majority of the day--with no chance to move, let alone express their full range of natural behaviors or socialize with other members of their species. Their routine care is often entrusted to seasonal or temporary employees who have little or no experience caring for such animals.

## How do they get them to do those tricks?

Despite claims to the contrary, trainers often use excessive and abusive training methods to establish and maintain the control necessary to make animals perform tricks. Although positive reinforcement is indeed part of a trainer's repertoire, it is by no means the only tool, and it is not enough to guarantee control of a four-ton elephant in the ring.

Regardless of training, wild animals used in circuses behave instinctively and unpredictably. On August 20, 1994, at a Circus International matinee in Hawaii, an African elephant named Tyke crushed her trainer to death, injured another circus worker and 12 spectators, ran loose in the streets for 30 minutes, and was killed after being shot more than 80 times by police. Such incidents bring to light not only the suffering endured by performing wild animals, but also the danger they can pose to circus workers and the public.

Circuses : The Humane Society of the United States

## Who protects animals in the circus?

The only federal legal protection for these animals is the Animal Welfare Act (AWA), which sets minimal standards for the handling, care, treatment, and transport of wild animals in circuses. AWA standards, enforced by the U.S. Department of Agriculture, are insufficient and inconsistently enforced. This combination of minimal standards and inadequate oversight permits circuses and traveling wild animal acts to keep wild animals in deplorable conditions and still be in compliance with the AWA.

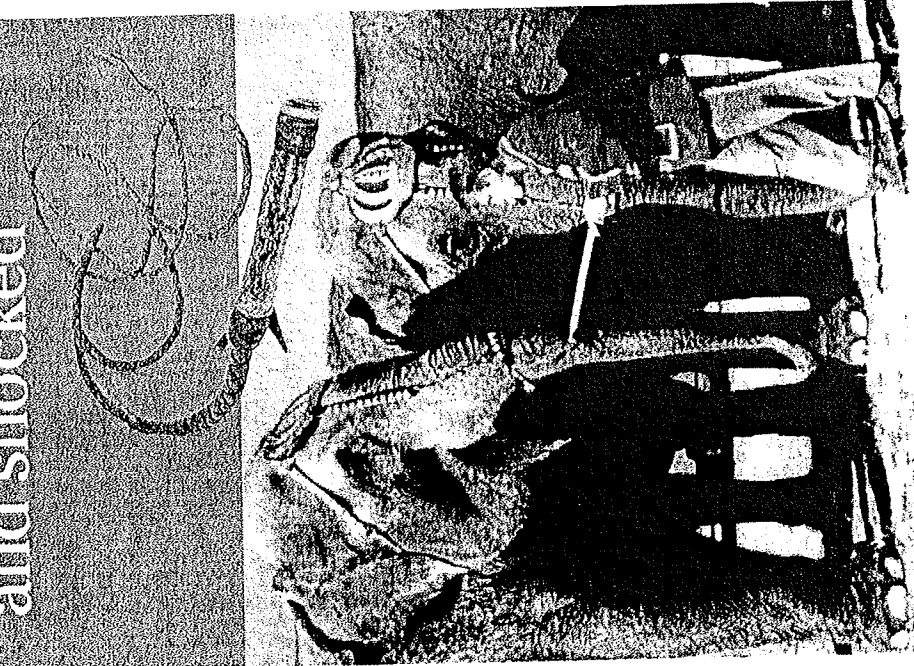
Facilities that do not fully comply with the AWA are frequently given several chances to correct violations. Even persistent violators rarely face federal prosecution or lose possession of animals.

State and local cruelty laws may apply to circus animals, but the nature of the legal system and the fact that circuses are constantly on the move can work against successful prosecution.

Some communities have addressed the problem of performing wild animals in circuses by prohibiting circuses that use wild animals from operating within their jurisdictions.

[Download a PDF of our brochure, "The Truth Behind the Big Top".](#)

**Wild animals  
used in circus  
acts are  
routinely  
beaten, poked,  
and shocked**



**What You Can Do**

- Don't go to circuses that use wild animal acts
- Spread the word by telling your friends and writing letters to your local newspaper
- Ask businesses to drop their sponsorships of circuses with wild animal acts
- Ask your state and local representatives to prohibit these acts in your community
- Report animal abuse to local authorities and the USDA
- Suggest an animal-free circus for your community

**About The HSUS**

Founded in 1954, The Humane Society of the United States (HSUS) is the nation's largest animal protection organization, with nearly 10 million members and constituents. We work to create a humane and sustainable world for all animals, including people, through education, advocacy, and the promotion of respect and compassion.

Celebrating Animals | Confronting Cruelty



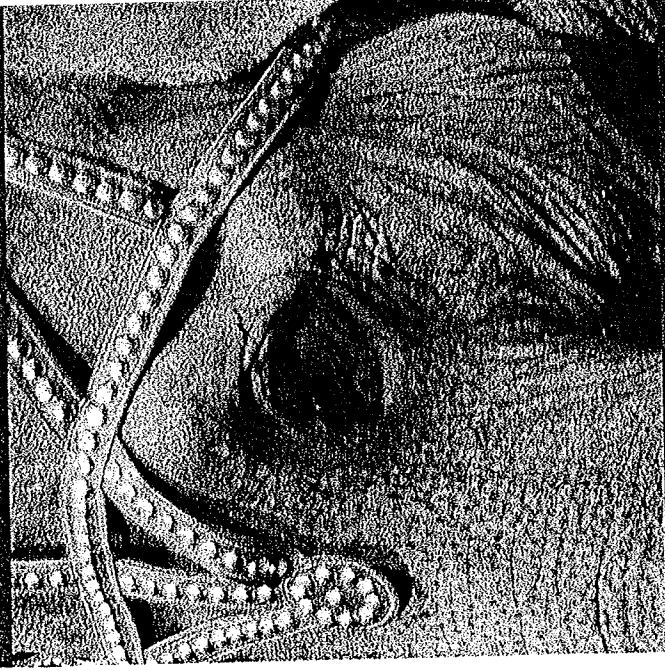
**THE HUMANE SOCIETY  
OF THE UNITED STATES**

2100 L Street, NW, Washington, DC 20037  
humane.org

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Printed on recycle paper, acid free and elemental chlorine free, with soy-based ink.



[Animals in Entertainment]



**THE TRUTH**  
*Behind the*  
**BIG TOP**



**THE HUMANE SOCIETY  
OF THE UNITED STATES**



### Years of Abuse

CIRCUSES may seem like good family fun. But behind the scenes there's something no circus wants you to see: the suffering of the animals. Wild animals used in circus acts are routinely beaten, poked, and shocked with electric prods, all to force them to perform unnatural tricks for an unsuspecting viewing public. This abuse continues year after year.

Trainers use these tactics to try to dominate wild animals and force them to act against their natural instincts. Tigers are made to jump through flaming hoops, elephants are forced to wear tutus or balance themselves on small balls, and bears are required to ride tricycles, just for our amusement.

### Caged for Life

THE ANIMALS' MISERY continues off the stage. Animals traveling in circuses are rarely allowed out of their small, often dirty cages except to perform. After a show, they're typically locked up to travel to the next town.

Elephants are chained inside boxcars and trucks during transport. Lions and tigers may remain in small travel cages with only enough room to stand and turn around.

The trucks and trains they travel on may have no heat or air conditioning. Animals may be deprived of food and water for extended periods during travel and training.

### Dangerous to the Public

ELEPHANTS who have endured inhumane training methods sometimes strike back at their trainers or rampage through audiences, causing injuries and death. Circus lions and tigers have escaped and performing chimpanzees have injured audience members when adequate barriers were not in place. All the training in the world cannot take the "wild" out of wild animals. There's no telling when they might attack or attempt to flee. And escaped animals are often killed in the interest of public safety when recapture is difficult or delayed.

### Current Laws Don't Do Enough

THE ANIMAL WELFARE ACT, enforced by the U.S. Department of Agriculture (USDA), creates only minimum standards for animals in traveling exhibits—and it is poorly enforced. Persistent violators are rarely prosecuted, and those who are usually only face fines.

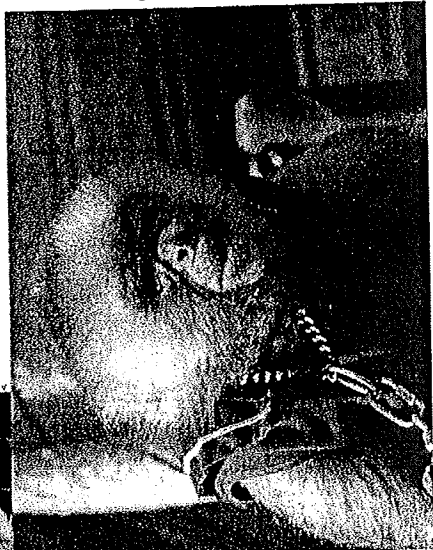
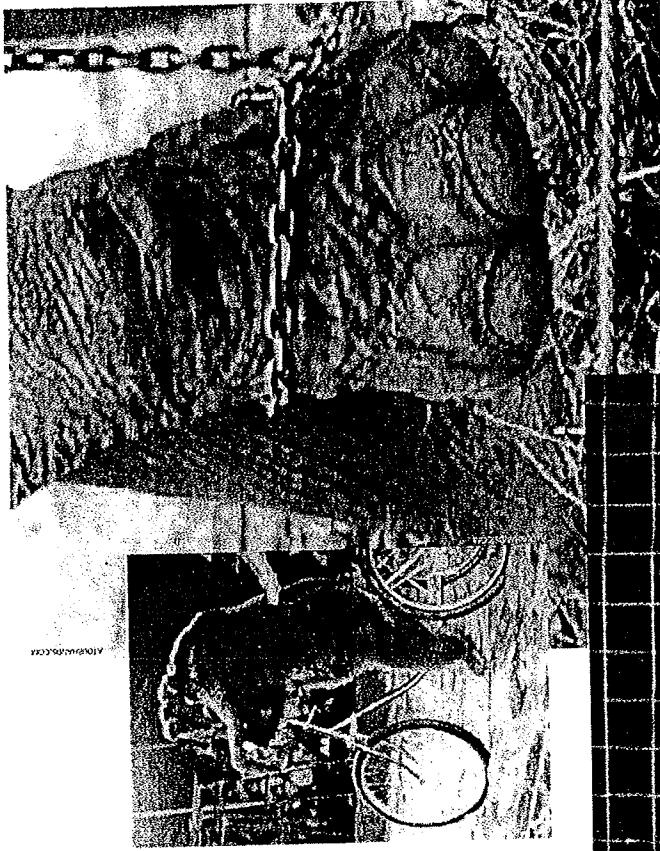
Animal trainers sometimes use cosmetics on animals to cover up injuries from ankle restraints and open sores from beatings, and they may hide abused animals from view during inspections.

Fortunately, some communities are taking action—either by banning circuses that use animals or by prohibiting them from using ankuses or bullhooks, sticks with sharpened metal hooks that trainers use to beat, pull, push, torment, and threaten elephants. These communities have sent a clear message that they won't tolerate such abuse within their boundaries.

### The Bottom Line

CIRCUS acts that use wild animals are inhumane, plain and simple. Animals don't perform because they choose this way of life. They have no choice—they're beaten until they comply.

We do have a choice, though. With so many available alternatives in family entertainment, there's no reason to support a circus that uses wild animals.



Lions and tigers may remain in small travel cages with only enough room to stand and turn around.