

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

FELD ENTERTAINMENT, INC. :

Plaintiff, :

v. :

Case No. 07- 1532 (EGS)

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

Defendants. :

**PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION TO TEMPORARILY STAY
ALL PROCEEDINGS**

EXHIBIT 16

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.

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

DECLARATION OF LISA WEISBERG

I, Lisa Weisberg, hereby declare as follows.

1. I am Senior Vice President for Government Affairs and Public Policy for the American Society for the Prevention of Cruelty to Animals (the "ASPCA"), and am submitting this declaration on behalf of the ASPCA, based on my personal knowledge and pursuant to this Court's August 23, 2007 Discovery Order, Docket No. 178. To the best of my knowledge, the ASPCA has produced all records in its possession, custody, or control that are responsive to defendant's Document Production Requests and that are required by the Court's Order.

2. However, there are records that the ASPCA believes likely existed at one time, that the ASPCA has been unable to locate despite a thorough search of records. Those records are the following:

a. The ASPCA no longer has any records from inspections conducted by its Humane Law Enforcement ("HLE") department that would have taken place during the years 1996 or 1997. Although HLE cannot be certain that such

inspections in fact took place, any such records would have been destroyed pursuant to HLE's normal six-year document retention policy prior to the receipt of defendant's March 2004 discovery requests to the ASPCA. Since the receipt of the discovery requests HLE has preserved all records pertaining to inspections of the Ringling Bros. circus.

- b. The ASPCA has not located the 2003 American Express credit card statements that would document any of Mr. Rider's lodging expenses – as well as possibly other travel expenses from time to time – that the ASPCA paid for directly during 2003. However, weeks ago, after the ASPCA received the Court's discovery Order, Docket No. 178, I requested these credit card statements directly from American Express for the years 2001, 2002, and 2003. American Express sent me the statements for 2001 and 2002, but omitted the statements from 2003. Because this was American Express's error, they have agreed to expedite sending me the 2003 statements, and when I receive those records I will supplement the ASPCA's response to Interrogatory No. 21 as expeditiously as possible.
- c. The ASPCA also has been unable to locate any documentation or receipt concerning the laptop computer that it gave to Mr. Rider for use in connection with his media and public education advocacy on behalf of the elephants. I do not know whether any such receipt was discarded or has simply been misplaced. The computer was not new, and the ASPCA estimates that it was worth no more than \$500.00 when it was provided to Mr. Rider.

d. The ASPCA also has been unable to locate any documentation or receipt concerning the value of the cell phone that the ASPCA gave to Mr. Rider for use in connection with his media and public education efforts. I have not been able to determine whether any such documentation was discarded or simply misplaced. The ASPCA estimates that the phone was worth approximately \$200.00.

3. Although there may have been additional records responsive to defendant's discovery requests and the Court's Order that existed at some point over the last seven years since this lawsuit began that we have not located, the ASPCA does do not know of any such records.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 9/26/07

Lisa Weisberg

Lisa Weisberg

Marcy Altman
MARCY ALTMAN
NOTARY PUBLIC, STATE OF NEW YORK
No. 01AL6132373
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES AUG. 22, 2009

