

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

**FELD ENTERTAINMENT, INC.**

**Plaintiff,**

**v.**

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

**Defendants.**

**Case No. 07- 1532 (EGS)**

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

**EXHIBIT 7**

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)

**PLAINTIFF ANIMAL WELFARE INSTITUTE'S SUPPLEMENTAL RESPONSES AND  
OBJECTIONS TO DEFENDANT'S FIRST SET OF INTERROGATORIES TO  
PLAINTIFFS AMERICAN SOCIETY FOR THE PREVENTION OF  
CRUELTY TO ANIMALS,  
ANIMAL WELFARE INSTITUTE, AND FUND FOR ANIMALS**

Pursuant to Federal Rule of Civil Procedure 33 and the August 23, 2007 Order of the Court, plaintiff Animal Welfare Institute ("AWI") hereby offers the following supplemental or amended responses to Defendant's First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals. AWI hereby incorporates by reference the definitions and the general and specific objections that it made in its original and January 31, 2007 responses to Defendant's First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, and Fund for Animals.

circuses or about the treatment of elephants at any circus, including Ringling Bros. and Barnum & Bailey Circus.

**Supplemental Response to Interrogatory No. 19:**

AWI supplements and amends its original response to this Interrogatory by providing the following supplemental information. The remaining portions of the original response remain unaltered.

AWI has continued to have conversations with the other plaintiffs and their lawyers about legal strategies in this case, the evidence that plaintiffs may rely on, and the status of the litigation, all of which are protected by the attorney-client and attorney work product privileges.

**Interrogatory No. 21:** Identify each resource you have expended from 1997 to the present in “advocating better treatment for animals held in captivity, including animals used for entertainment purposes” as alleged in the complaint, including the amount and purpose of each expenditure.

**Supplemental Response to Interrogatory No. 21:**

In accordance with the Court’s August 23, 2007 Order, AWI supplements and amends its prior responses to this Interrogatory by providing the following information concerning both direct and indirect funding for Tom Rider’s media and public education campaign concerning the treatment of elephants in circuses. AWI states that although it did not originally view this information as responsive to this Interrogatory, it is providing the information in compliance with the Court’s Order, and because defendant has stated that it views this information as responsive to this Interrogatory. The remaining portions of AWI’s prior responses to this Interrogatory remain unaltered.

Since 2000, AWI has provided funds directly to Mr. Rider, or has paid directly for Mr. Rider’s expenses, on several occasions. On each such occasion the funds were to cover Mr.

Rider's travel and living expenses so that he could continue his important public education and media work concerning the treatment of elephants in the Ringling Bros. Circus. In 2000-2001, AWI provided a total of \$1,102 to Mr. Rider for this purpose. This grant is reflected in the document AWI 09948, at 09968. In 2005 AWI twice provided Mr. Rider with funds by wire transfer so that he could travel and continue his public education work – once on February 14, 2005, in the amount of \$600, and the other on February 22, 2005 in the amount of \$500. These transfers are reflected in the document AWI 9941 (the amounts show \$655 and \$553 respectively because of the additional wire transfer fees).

In 2006 AWI also provided Mr. Rider with direct funds twice so that he could continue touring the country doing public education work. On March 21, 2006 AWI gave Mr. Rider \$250 in the form of a check, reflected in AWI 9945, and on March 30, 2006 AWI gave Mr. Rider \$500 via wire transfer. The wire transfer is reflected in AWI 9946. AWI 9946 is a check made out to AWI employee Jill Umphlett for \$600. Ms. Umphlett cashed the check and wired \$500 to Mr. Rider, and there was a \$36 wire transfer fee. The remaining \$64 was placed in AWI's petty cash funds. On December 8, 2006, AWI paid for the repair of Mr. Rider's van in the amount of \$1,657.58. This payment is reflected in AWI's credit card statement, at AWI 9943-9944 (payment to "Ricks German Performance Atascadero CA").

Since 2004 AWI has also made contributions to the Wildlife Advocacy Project for that organization's advocacy and public education work on the issue of the treatment of elephants held in captivity. It is AWI's understanding that these funds are used to support Mr. Rider's important public education and media efforts concerning the treatment of elephants in the circus.

The following documents reflecting these contributions are hereby incorporated by reference:

AWI 6058, 6495-6506, 9927-9930.

On several occasions in 2001, 2002 and 2003, AWI also provided some funds indirectly for Mr. Rider's public education and media efforts through reimbursements to the law firm Meyer & Glitzenstein. Those funds were transferred to Mr. Rider by Meyer & Glitzenstein, and were billed to AWI as a cost for media work.<sup>1</sup>

The amount of funds that AWI contributed to Mr. Rider's public education work in this fashion – including the fees for the wire transfers – amounts to approximately \$2,032.00, and is reflected in Meyer & Glitzenstein invoices being produced by AWI, see AWI 9932-9939, and 10048-10057. Some of these invoices are addressed to the American Society for the Prevention of Cruelty to Animals, because, at the time, the Meyer & Glitzenstein billing system created one detailed bill for all three plaintiff organizations addressed to the ASPCA (as the lead plaintiff), and each individual group received a cover sheet specifying the amount that group was being billed, as well as any specific expenses charged only to that group. When an invoice indicates that there was a "shared expense," see, e.g., AWI 9939, this means that the expense was shared equally among the groups, unless the invoice indicates that the expense was divided in some other specified manner, see, e.g., AWI 9934. When an invoice indicates that there was a "special expense," see, e.g., AWI 9939, this means that the specified expenses were billed only to the client to whom the invoice is addressed. Similarly, due to a change in the invoicing system, the

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<sup>1</sup>At her May 2005 deposition, Ms. Liss was asked: "Has Animal Welfare Institute ever paid Mr. Rider any money?" Transcript of May 18, 2005 Deposition of Cathy Liss at 138. Ms. Liss did not identify these specific funds at the time because she did not think of them as direct payments by the organization to Mr. Rider.

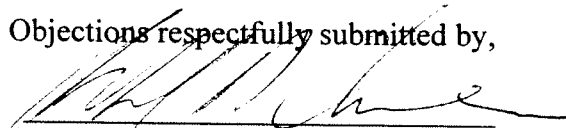
phrase "Additional Charges from Primary Client" in the April 11, 2003 invoice, AWI 9932, means that that particular item was shared among the clients.

**Interrogatory No. 22:** Identify each expenditure from 1997 to the present of "financial and other resources" made while "pursuing alternative sources of information about defendants' actions and treatment of elephants" as alleged in the complaint.

**Supplemental Response to Interrogatory No. 22:**

AWI states that, to date, it has spent approximately \$12,870.70 on legal fees and costs pursuing information from the United States Department of Agriculture concerning defendant's actions and treatment of elephants.

Objections respectfully submitted by,



Kimberly D. Ockene  
(D.C. Bar No. 461191)  
Katherine A. Meyer  
(D.C. Bar No. 244301)  
Tanya M. Sanerib  
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Dated: September 24, 2007

VERIFICATION

CITY OF VA )  
 )  
 )  
STATE OF Alexandria )

TRACY SILVERMAN, being duly sworn, says:

I am employed as General Counsel for the Animal Welfare Institute ("AWI"). AWI is a plaintiff in this case. I have read the foregoing supplemental objections and responses to Defendants' First Set of Interrogatories to Plaintiffs American Society for the Prevention of Cruelty to Animals, Fund for Animals, and Animal Welfare Institute and know the contents thereof. Upon information and belief, said objections and responses are true and correct.

Tracy Silverman  
Tracy Silverman

Sworn to before me this

24 day of September, 2007

[Signature]  
Notary Public

My Commission Expires:

6/30/2010 ID#295077

