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Feld Entertainment, Inc. Victorious in Case Brought by ASPCA and Other Animal Special Interest Groups

Federal Court Finds Plaintiff Testimony of Tom Rider Not Truthful

VIENNA, VA Dec. 30, 2009 – Feld Entertainment, Inc. announced today that a federal court dismissed a case filed more than nine years ago by animal special interest groups who sought to ultimately outlaw elephants in *Ringling Bros. and Barnum & Bailey*[®] circus.

In its ruling, “the Court finds that Mr. Rider is essentially a paid plaintiff and fact witness who is not credible, and therefore affords no weight to his testimony regarding the matters discussed herein, i.e., the allegations related to his standing to sue.”

Today’s decision reinforces the fact that plaintiffs’ manufactured litigation was based on the untruthful testimony of a paid plaintiff and witness who the Court found received at least \$190,000 in payments as his sole source of income over the past eight years by animal special interest groups, their lawyers and an entity controlled by those lawyers, the Wildlife Advocacy Project. Furthermore, the Court ruled that “based upon his failure to complain, the Court finds that Mr. Rider either (1) did not witness elephant mistreatment when he was employed by FEI or (2) any mistreatment he did witness did not affect him to the extent that he suffered an aesthetic or emotional injury.”

“We are gratified with today’s decision because it is a victory for elephants over those whose radical agenda, if adopted, could lead to the extinction of the species,” said Kenneth Feld, chief executive of Feld Entertainment. “We look forward to focusing on what we do best – providing quality care to our elephants and delivering unique family entertainment options to the public.”

“This ruling represents a victory for the elephants and a win for the U.S. Constitution because it reinforces that the federal court is no place to entertain a philosophical debate about whether elephants should be in the circus,” said Michelle Pardo, of Fulbright & Jaworski L.L.P., which is representing Feld Entertainment in the case. “Federal court time is not for sale,” she added.

Ringling Bros.’ elephants continue to be healthy and well-cared for by a team of full-time veterinarians and an animal care staff that works to ensure the animals have a safe and positive environment. The company meets and exceeds federal requirements on the care of circus animals and its animal care practices are commonly accepted and well-known to the government.

The Court also “finds that ensuring Mr. Rider’s continued participation as a

plaintiff was a motivating factor behind the payments to him, and that these payments were a motivating factor for his continued involvement in the case.”

The Court also ruled against the other plaintiffs in the case: “because the organizational plaintiffs have not established an injury in fact, traceable to FEI’s actions that can be redressed by the Court, the organizational plaintiffs have no standing to sue under Article III of the United States Constitution.”

U.S. District Court Judge Emmet G. Sullivan of the District of Columbia presided over the trial which began on February 4, 2009 and lasted approximately six weeks. The case is *ASPCA, et al., v. Feld Entertainment, Inc., No. 03-2006 (D.D.C.)*.

Background of Case

The complaint was filed by the American Society for the Prevention of Cruelty to Animals (ASPCA); the Animal Welfare Institute, the Fund for Animals, the Animal Protection Institute and Tom Rider, who is a former *Ringling Bros.* employee.

The original complaint was filed in July 2000. The case was dismissed in 2001 but was reinstated in 2003 after an appeal. The appeals court ruled that if Tom Rider could prove that he was “aesthetically injured” by *Ringling Bros.’* treatment of the elephants, the case could proceed.

In August, 2007, the U.S. District Court narrowed the scope of the case to only seven *Ringling Bros.* elephants. The judge granted partial summary judgment to *Ringling Bros.* and ruled that none of the *Ringling Bros.* Asian elephants that were born in the United States were subject to the claims of the animal groups under the Endangered Species Act.

Additional information on this litigation, including Court filings and elephant care information can be found online at www.ringlingbrostrialinfo.com. Information on the *Ringling Bros. and Barnum & Bailey Center for Elephant Conservation* is available online at www.elephantcenter.com.

Ringling Bros. Fulbright & Jaworski L.L.P. defense team is led by John M. Simpson and includes Lisa Joiner, Lance Shea, Michelle Pardo and Kara Petteway.

About Feld Entertainment

Feld Entertainment, Inc. is the worldwide leader in producing and presenting live family entertainment that lifts the human spirit and creates indelible memories, with 30 million people in attendance at its shows each year. Feld Entertainment’s productions have appeared in more than 65 countries and on six continents to date and include *Disney On Ice*, *Disney Live!*, *Feld Motor Sports*, and *Ringling Bros. and Barnum & Bailey* .

