

**Feld Entertainment, Inc. Trial Update:
Trial Set for Feb. 4, 2009 in Case Filed by Animal Special Interest Groups**

(February 3, 2009 - VIENNA, VA) Feld Entertainment is prepared to refute the meritless allegations of animal special interest groups when the trial begins on Feb. 4th in U.S. District Court in Washington D.C. in the lawsuit, *ASPCA, et al. v. Feld Entertainment, Inc.* The case is being pursued against Feld Entertainment, Inc., which is the parent company of the *Ringling Bros. and Barnum & Bailey[®] Circus*.

This case was initially set to go to trial on October 27, 2008, but the plaintiffs were granted a last-minute request for a continuance by federal District Court Judge Emmet G. Sullivan. After having eight years to get ready – and after holding a press conference to try their case in the media – the animal special interest groups were not prepared to try this case on its merits in October and instead elected to push the trial into 2009.

“Feld Entertainment remains fully prepared to conduct a vigorous defense in this case,” said Michelle Pardo of Fulbright & Jaworski L.L.P., which is representing Feld Entertainment in the case. “Animal special interest groups are distorting the facts by making false allegations about the treatment of *Ringling Bros.* elephants as part of a long-running crusade to eliminate animals from circuses, zoos and wildlife parks. Feld Entertainment will show during the trial that its elephants are healthy, alert, and thriving, and it intends to debunk the misinformation that has been spread by those who do not own or know how to care for an elephant.”

Ringling Bros. meets and often exceeds federal requirements on the care of circus animals, and its animal care practices are commonly accepted and well-known to the government. In fact, *Ringling Bros.* is inspected repeatedly by federal, state, and local authorities in virtually every city the circus performs, and *Ringling Bros.* has never been found in violation of the Animal Welfare Act, the federal law that regulates the treatment of animals by circuses, zoos and other exhibitors.

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 complaint alleges that *Ringling Bros.* has violated the Endangered Species Act by harming the elephants through the use of guides and tethers. The animal groups claim this is an illegal “taking” of the elephants under the law.

The commitment of *Ringling Bros.* to animal care and the well-being of the elephants is evidenced by its three full-time accredited veterinarians, and two accredited consultant veterinarians who offer 24/7 coverage. *Ringling Bros.* animal care staff works to ensure that the animals have an enriching and safe environment while veterinarians rotate in and out of the circus locations and other *Ringling Bros.* facilities to check on and care for the elephants.

Ringling Bros. is a world leader in the care and conservation of the endangered Asian elephant, and has established the 200-acre *Ringling Bros. and Barnum & Bailey Center for Elephant Conservation[®]* in Florida, a state-of-the-art facility dedicated to the reproduction, research and retirement of Asian elephants.

Ringling Bros. spends \$6 million annually on its animal care with more than \$60,000 a year dedicated to each of its 54 elephants. The company's focus remains on the proper care of its elephants, and it continues to be an industry leader in the public education about the endangered Asian elephant and the ongoing evolution in the care and survival of this species.

Background of Case

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. Whether such an "injury" to Rider actually exists and can be remedied will be a major issue in the trial. So will the financial support that Rider receives from his co-plaintiffs – a fact that was unknown to the appeals court in 2003.

In an important ruling in August, 2007, the U.S. District Court narrowed the scope of the case to only six *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.

Ringling Bros. has filed a separate lawsuit against the animal groups under the Racketeer Influenced and Corrupt Organizations Act (RICO) and Conspiracy Counterclaim. That litigation is on hold and will proceed separately following completion of the current case.

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 25 million people in attendance at its shows each year. Feld Entertainment's productions have appeared in more than 55 countries and on six continents to date and include *Ringling Bros. and Barnum & Bailey*®, *Disney On Ice*, *Disney Live!*, and *Feld Entertainment Motor Sports*.

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