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

VIENNA, VA Oct. 28, 2011 – Feld Entertainment, Inc. announced today that a federal appeals court unanimously affirmed the dismissal of a case originally filed more than a decade ago by animal special interest groups who sought to ultimately outlaw elephants in *Ringling Bros. and Barnum & Bailey*[®] circus.

In its ruling, a three judge Circuit Court panel affirmed the trial court's determination that plaintiff and witness Tom Rider, a former barn man for *Ringling Bros.*, was "essentially a paid plaintiff and fact witness who is not credible." The appellate court stated: "it is undisputed that between March 2000 and December 2008, (lead plaintiff) Rider received at least \$190,000 from the organizational plaintiffs in this lawsuit, as well as from an organization run by plaintiffs' attorneys." Today's appellate ruling went on to affirm the trial court's finding that: "the primary purpose for the payments was to keep Rider involved with the litigation."

The court also rejected the claims of Animal Protection Institute (API)/Born Free, who, despite a six and half week trial, was unable to prove it had a right to be in court.

"We are gratified with today's decision because it is a victory over those whose radical agenda, if adopted, could lead to banning animals from circuses, zoos and wildlife parks," said Kenneth Feld, chief executive of Feld Entertainment. "We will continue to focus on providing quality care to our elephants and delivering unique family entertainment options to the public."

"Today's decision reinforces the principle that federal court time should not be wasted on manufactured litigation based on purchased testimony," said John Simpson, of Fulbright & Jaworski L.L.P., which is representing Feld Entertainment in the case. "The appellate court decision supports the company's pending federal suit against the animal special interest groups and their lawyers, which alleges racketeering, conspiracy, abuse of process and other illegal acts."

Background of Case

Today's unanimous decision, by the three judge panel comprised of Circuit Judges David S. Tatel, Merrick Brian Garland and Janice Rodgers Brown, affirms the December 2009 trial court decision issued by U.S District Court Judge Emmet Sullivan of the U.S. District Court of the District of Columbia in *ASPCA, et al., v. Feld Entertainment, Inc., No. 03-2006 (D.D.C.)*. After a six and a half week trial in Spring 2009, the trial court ruled for Feld Entertainment, Inc.

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. appellate team was led by John M. Simpson and included Jonathan S. Franklin, Michelle C. Pardo and Mark T. Emery.

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*® .

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