



Marcos E. Hasbun [REDACTED]
[REDACTED]

December 4, 2017

**SENT VIA E-MAIL, FIRST-CLASS AND CERTIFIED MAIL RETURN RECEIPT
REQUESTED**

Hugo & Franciszka Liebel
Great American Family Circus LLC
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C St. N.W.
Washington, DC 20240
secretary_zinke@ios.doi.gov

Greg Sheehan
Principal Deputy Director
U.S. Fish & Wildlife Service
1849 C St. N.W., Rm. 3331
Washington, DC 20240
greg_sheehan@fws.gov

Re: Notice of Intent to File Citizen Suit Pursuant to the Endangered Species Act

Dear Mr. & Mrs. Liebel, Secretary Zinke, and Principal Deputy Director Sheehan:

Pursuant to Section 11 of the Endangered Species Act (ESA), 16 U.S.C. § 1540(g)(2)(A)(i), this letter constitutes notice that People for the Ethical Treatment of Animals, Inc. (PETA), Deborah Robinson, Bryan Wilson, and Carla Wilson (collectively, the “Complainants”) intend to file suit after the expiration of the sixty (60) day notice period against The Great American Family Circus LLC (the “Circus”), Hugo Liebel, individually and as Manager/Member of the Circus, and Franciszka Liebel, individually and as Manager/Member of the Circus (collectively, the “Liebels”), to enjoin the “take” of Nosey the African elephant—who



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was seized by Lawrence County, Alabama officials and is currently being cared for at The Elephant Sanctuary (TES) in Hohenwald, Tennessee—under the ESA and its implementing regulations, unless the Liebels agree to Nosey’s permanent transfer to a sanctuary accredited by the Global Federation of Animal Sanctuaries (GFAS).

The Liebels may avoid this litigation by contacting the undersigned attorney within sixty (60) days of receipt of this letter and agreeing to Nosey’s permanent transfer to a GFAS-accredited sanctuary.

THE LIEBELS TAKE NOSEY IN VIOLATION OF THE ESA

The ESA prohibits the “take” of African elephants within the United States. 16 U.S.C. § 1538(a)(1)(G); 50 C.F.R. §§ 17.40(e), 17.31(a), 17.21(c)(1). African elephants are listed as “threatened,” 50 C.F.R. § 17.11(h), and are subject to the protections of a special rule, *id.* § 17.40(e). As described below, the conditions in which the Liebels have maintained Nosey “harm,” “harass,” and “wound” her in violation of Section 9 of the ESA, 16 U.S.C. § 1538(a)(1)(G), and its implementing regulation, 50 C.F.R. § 17.21(c)(1).

A. The Liebels Take Nosey by Denying Her Adequate Veterinary Care.

The Liebels have failed to provide Nosey—an approximately 35-year old African elephant—with adequate veterinary care. For more than two decades, Nosey has suffered from a chronic skin condition, and, since at least 2014, severe gait abnormalities, because of this failure. *See also* Section B below (explaining that Nosey’s gait abnormalities, skin problems, and other issues are also connected to Liebels’ failure to provide her with appropriate conditions). In the Liebels’ care, Nosey has also suffered from leg swelling and has been observed shifting her weight in apparent discomfort and walking with a shuffling, abnormal gait. These conditions, including her reduced range of motion, indicate that she suffers from injury while in the Liebels’ care.

Failure to provide timely and appropriate veterinary care fails to meet generally accepted practices of animal care and by failing to provide Nosey with adequate veterinary care, and by subjecting her to conditions that cause and exacerbate her physical deterioration, the Liebels harm, harass, and wound Nosey by injuring her, creating the likelihood of injury and death to her, and interfering with her normal behavioral patterns in violation of the ESA.



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B. The Liebels Take Nosey by Subjecting Her to Conditions That Threaten Her Physical and Mental Health and Survival.

The Liebels deprive Nosey of any semblance of a natural life that is necessary for her physical and psychological well-being. Despite the complex physical and social environmental needs of elephants, which are recognized by generally accepted elephant husbandry standards to be crucial to their welfare, the Liebels keep Nosey on the road virtually year-round and force her to pull or carry excessive weight, including riders on her back for hours at a time, while making her walk in the same small circle within a tiny enclosure. When the Liebels are not using her for performances or rides, they continuously chain her by two legs; lock her inside a cramped trailer where she is unable to turn around, lie down, or avoid her own waste; or confine her to a thirteen-foot-by-thirteen-foot pen. Most recently, on November 8, 2017, the District Court of Lawrence County, Alabama ordered animal control to seize and take possession of Nosey after she was found chained in a manner that rendered her unable to move, standing in her own feces, and without adequate food, water, or shelter. The animal control officer alleged that Nosey was neglected and vulnerable to further harm unless immediately removed from the Liebels' possession.

The Liebels deny Nosey regular access to mud for wallowing, trees for scratching and grazing, and a vast habitat to roam, and she is frequently forced to stand on concrete or other inappropriate and harmful substrates. Moreover, her intensive confinement and frequent chaining denies her the ability to engage in species-appropriate exercise, in direct contradiction to generally accepted elephant care standards. Critically, while in the Liebels' custody, Nosey developed abnormal behaviors, such as swaying stereotypically from side to side, which is a tell-tale sign of poor psychological welfare and may result in further physical injury.

Despite the established authority on the social needs of elephants, the Liebels have also denied Nosey the companionship of another elephant and the opportunity to exercise social choice for nearly her entire life.

Depriving Nosey of the conditions fundamental to her physical and psychological well-being, and subjecting Nosey to conditions that cause and exacerbate her physical deterioration, as evidenced by her poor body condition, apparent gait abnormalities, and chronic skin condition, harm, harass, and wound her by causing her physical and psychological harm and distress; injure her; and significantly disrupt and impair her from carrying out her natural behaviors in a manner that puts her physical and psychological well-being at risk of further



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injury—all in violation of the ESA. *See* 16 U.S.C. § 1538(a)(1)(G); 50 C.F.R. §§ 17.40(e), 17.31(a), 17.21(c)(1).

C. The Liebels Take Nosey by Subjecting Her to Abuse.

The Liebels control Nosey through direct contact, an outmoded form of handling—which, except in extremely limited circumstances, is prohibited by the Association of Zoos and Aquariums—in which elephants are coerced into producing desired behavior through the threat of violence, including bullhooks, i.e. heavy rods with a sharp point and hook at one end that are designed to inflict pain and punishment, and which are so odious they have been banned in various jurisdictions across the United States.

The Liebels use a bullhook to force Nosey to give rides and to perform circus tricks. On multiple occasions, Hugo Liebel has been documented threatening Nosey with a bullhook by waving it in her face—causing her to recoil in fear, which suggests that she has been conditioned to fear the bullhook through past violent training sessions. On information and belief, the Liebels poke, prod, and smack Nosey with a bullhook.

The Liebels' and the Circus' use of fear- and punishment-based direct contact handling, including the use of bullhooks to dominate Nosey, cause her pain and psychological distress, and harm, harass, and may wound her in violation of the ESA.

D. The Liebels Take Nosey by Denying Her Adequate Food, Water, and Shelter.

On information and belief, the Liebels have denied Nosey the most basic necessities, including an adequate and appropriate diet, sufficient access to drinking water, and adequate shelter from the elements, thus interfering with her normal behaviors in a manner that creates a likelihood of injury. For example, when Nosey was last in the Liebels' care, she was reportedly chained without adequate food, water, or shelter, and Hugo Liebel reportedly stated that he could not afford hay to feed her.

Generally accepted standards of animal husbandry recommend that elephants be provided with potable water at all times and that diets be of quality, quantity, and variety to meet the individual's needs.

Proper nutrition and access to potable water and appropriate shelter are fundamental to the physical and psychological well-being of any captive animal. Accordingly, by failing to



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provide Nosey with adequate food, water, and shelter, the Liebels “take” Nosey, by harming and harassing her in violation of the ESA.

* * *

Please be advised that this letter constitutes notice of the Complainants’ intent to sue the Circus and the Liebels for their takes of Nosey under the ESA, unless the Liebels agree to Nosey’s permanent transfer to a GFAS-accredited sanctuary. Unless Nosey is permanently transferred to a GFAS-accredited sanctuary, the Complainants will file suit against the Liebels at the expiration of sixty days following December 4, 2017, seeking her transfer to a GFAS-accredited sanctuary, attorneys’ fees and litigation costs.

If the Liebels wish to pursue this remedy in the absence of litigation, please contact me [REDACTED] in order to ensure Nosey’s permanent placement at a GFAS-accredited sanctuary.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Marcos E. Hasbun", with a long horizontal flourish extending to the right.

Marcos E. Hasbun

MEH/JRC/cmd