

COUNTRY OF \_\_\_\_\_ )  
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ss: *See attached  
Jurat*

**AFFIDAVIT OF ED STEWART**

Ed Stewart being duly sworn, deposes and says:

**Introduction**

1. My name is Ed Stewart and I am the President and Co-Founder of the Performing Animal Welfare Society (“PAWS”), a sanctuary dedicated to the protection of and caring for abandoned, abused, or retired captive wildlife, including elephants.
2. I have agreed to provide permanent sanctuary to the elephant Happy should she be released by court order in any and all of the habeas corpus cases filed by the Nonhuman Rights Project, Inc. (“NhRP”) on her behalf in the State of New York.
3. I submit this affidavit in support of the NhRP’s petition for habeas corpus for Happy.

**History and Background of PAWS**

4. PAWS is a 501(c)(3) non-profit organization incorporated in 1984. PAWS maintains three captive wildlife sanctuaries: the original 30-acre PAWS sanctuary in Galt, California; the 100-acre Amanda Blake Memorial Wildlife Refuge in Herald, California; and the 2,300-acre ARK 2000 sanctuary in San Andreas, California, which is home to elephants, bears, and big cats. The Galt sanctuary was the first sanctuary in the country equipped to care for elephants.
5. PAWS sanctuaries provide rescued animals with specially designed, peaceful, natural habitats where they are at liberty to engage in natural behaviors.
6. The mission of PAWS is to protect performing wild animals, provide sanctuary to abused, abandoned or retired captive wildlife, promote the best standards of care for all captive wildlife, preserve wild species and their habitat, and educate the public about captive wild animals. PAWS typically accepts elephants who are being relocated as a

result of decisions made by zoo officials, local or federal governments, or the outcome of a legal agreement.

7. PAWS was founded in 1984 by former Hollywood animal trainer Pat Derby and me in response to the cruelty and neglect of wild animals that we witnessed while working in the entertainment industry. I have managed elephants for more than 30 years, including raising calves and caring for allegedly “dangerous” elephants, without the use of bullhooks, weapons, or aversive training techniques. I serve on the Director's Advisory Committee on the Humane Care and Treatment of Wild Animals for the California Department of Fish & Wildlife and the Advisory Committee for the Detroit Zoological Society's Center for Zoo Animal Welfare.

8. The ARK 2000 sanctuary is located near the Sierra Nevada Mountains in San Andreas, California. It has five elephant barns, one for female Asian elephants, one for female African elephants, and three for bull elephants. The property encompasses 2,300 acres of rolling foothills with varied natural terrain; habitats include natural grasses, trees, lakes and pools in which the elephants may bathe. The Asian and African barns are each 20,000 square feet in size. Barns are equipped with heaters, hydraulic gates, restraint devices for veterinary procedures, heated and padded concrete floors, dirt floors, spacious sleeping stalls and pipe hallways for introduction and socialization of new elephants. The African elephant barn has an indoor therapy pool. The Asian elephant barn contains soft soil-floored sleeping stalls specially designed for older elephants with foot and joint problems.

9. In addition to providing sanctuary, PAWS advocates on behalf of captive wildlife through campaigns, protective legislation and public education. I also provide consultation on sanctuary design, management, and animal care world-wide.

### **PAWS' Organizational Values**

10. PAWS' organizational values include:

- a. Dedication to the protection of performing animals, to providing sanctuary to abused, abandoned or retired captive wildlife, to promoting the best standards of

care for all captive wildlife, to the preservation of wild species and their habitat, and to educating the public about captive wildlife issues.

b. Providing sanctuary where abandoned, abused, or retired performing animals and victims of the exotic animal trade can live in peace and dignity.

c. Protection of wild species and their habitat. I have personally worked with international programs in Asia to diminish human/elephant conflict and to establish protected areas for wildlife. PAWS financially supports anti-poaching efforts in Africa, and has worked to ban the sale of ivory and rhino horn in the United States.

d. A commitment to never breed, sell, rent, exploit, or force any animal to perform in any way.

#### **Facilities at PAWS in San Andreas, California**

11. PAWS has 21 paid employees at its ARK 2000 sanctuary in San Andreas.

12. The 2,300-acre ARK 2000 consists of grasslands and oak trees. The south fork of the Calaveras River runs the entire length of the property. The elephant habitats are enclosed with steel pipe fencing and pipe-and-cable fencing. The larger African elephant habitat includes a system of gates that can be used to control access to particular areas for management purposes. PAWS is located in San Andreas, California, where the weather allows the elephants to be outdoors year-round.

13. Most of the elephants at ARK 2000 have indoor-outdoor access during the night. Older elephants may be kept indoors overnight to ensure they are lying down regularly and are able to rise without difficulty. When indoors they are provided fresh browse, enrichment, and keepers can perform husbandry tasks such as foot care. Indoor accommodations are necessary even in California's generally warm climate, in order to provide protection during inclement weather (e.g. heavy storms, lightning) or extreme drops in temperature. A PAWS keeper is on site overnight.

14. The spacious elephant habitats are designed to support social group activity, with pastures large enough to allow elephants to interact with social partners or engage in foraging and other species-specific activities on their own.

15. In the wild, elephants live in matriarchal family groups that can number as many as 30 individuals, and include adult females, juvenile males and females, and infants. Female elephants remain with their mothers for life; males leave the family at about age 14. PAWS has five African elephants and three Asian elephants. Though naturally social, it is unnatural for unrelated elephants to live together, as they do in captivity, and social interactions can range from harmonious to acrimonious. At PAWS, the habitats allow for separation of elephants with compatible social partners, and elephants can engage in species-specific behaviors such as foraging, exploring, dust bathing, and mud wallowing.

16. The natural life span of an elephant ranges from 60-70 years, depending on species. By contrast, one scientific study (Clubb et al, 2008) found that zoo-born African elephants in Europe have a median life span of under 17 years (meaning half of the elephants are dead by that age), and under 19 years for captive-born Asian females.

### **Veterinary Care at PAWS**

17. The elephants at PAWS receive high quality medical care. PAWS has a veterinary staff composed an attending veterinarian, associate veterinarian, and veterinary technician. The veterinarians visit the sanctuary five times each week and are on-call 24-hours a day for emergencies. PAWS has its own veterinary clinic for on-site diagnosis and treatment of animals.

18. PAWS' attending veterinarian works when necessary with consulting specialists, technicians, and specialists at the University of California, Davis, School of Veterinary Medicine, to guarantee that any health issues are addressed with the latest diagnostics and best medical care available.

19. PAWS provides full medical coverage including:

- a. Dental procedures
- b. Treatment of foot and joint disease
- c. Care of older elephants and those with pre-existing conditions: Elephants come to PAWS with a host of chronic medical conditions such as arthritis and foot disease that may progress with age. PAWS has a therapeutic pool in the African elephant barn specially designed to help elephants with medical issues such as

joint problems, and soft soil flooring in the Asian elephant barns to ease foot and joint ailments.

### **Accreditation by Global Federation of Animal Sanctuaries**

20. PAWS is accredited by the Global Federation of Animal Sanctuaries (“GFAS”).

21. All GFAS organizations must adhere to policies set out in its standards including, but not limited to: 1) no commercial sale or trade in animals and their offspring, animal by-products or animal parts; 2) no animals may be removed from enclosures for exhibition; 3) no direct contact between the public and animals (with some allowable exceptions, such as for some equines and under carefully supervised circumstances); 4) measures in place to prevent breeding, either through segregation of sex or through a program of contraception, unless the animals are part of a bona fide release program; 5) open to the public only by way of a structured visitor program in which tours are guided and where there is a bona fide educational component to the visiting program.

22. GFAS defines a “sanctuary” as “an establishment that provides lifetime care for animals that have been abused, injured, abandoned, or are otherwise in need. The animals may come from sources including but not limited to, private owners, research laboratories, government authorities, the entertainment industry, and zoos.”

23. GFAS’s set of standards for elephants, which are listed in a 69-page document, detail: housing; physical facilities and administration, nutritional requirements, veterinary care; well-being and handling; general staffing; safety policies, protocols and training; governing authority; financial records and stability; education and outreach; policies: acquisition and disposition; policies: public contact and restriction on use and handling release into the wild (where applicable). A copy of GFAS’s set of standards for elephants is annexed hereto as “Exhibit A.”

  
Ed Stewart

Sworn to before me  
this 26 day of Sept., 2018

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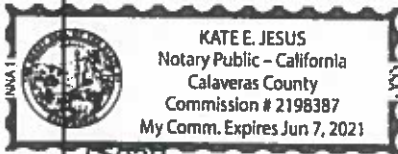
Notary Public

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Calaveras

Subscribed and sworn to (or affirmed) before me on this 26<sup>th</sup>  
day of September, 2018, by \_\_\_\_\_  
Ed Stewart

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature Kate E Jesus