

November 16, 2009

Steven F. E. Phipps  
Barrister and Solicitor  
The City of Edmonton Law Branch  
9th Floor, Chancery Hall  
3 Sir Winston Churchill Square  
Edmonton, Alberta  
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Dear Mr. Phipps,

We thank you for your response to our letter of October 20, 2009, advising us that the City of Edmonton will not consent to having Lucy moved to a sanctuary.

We have seen Lucy's treatment program and James Oosterhuis' report posted on the city's Web site.

We condemn the Edmonton Valley Zoo for failing to have a treatment program for Lucy until now. The zoo has known that Lucy has suffered from respiratory problems for years but has waited until now, when litigation has been threatened, to take any action.

Nonetheless, we remain singularly concerned about Lucy's well-being. If the city's claim is true—that moving Lucy could endanger her health—then neither PETA nor Zoocheck would have any need to proceed with the litigation. Similarly, we are certain that your taxpayers would not want to waste hundreds of thousands of dollars on unnecessary litigation.

Therefore, would you be so kind as to provide us with all relevant documents that support Mr. Oosterhuis' and the city's conclusion that Lucy is too sick to be moved? We include in this request (but do not limit it to) the details of all medical examinations of Lucy, all medical records relied upon and generated during the course of this expert's consultation, a copy of the DVD of the endoscope exam, and all memoranda or letters between Mr. Oosterhuis and the zoo and/or the city.

We, naturally, want to have our experts review the opinion you are relying upon. But we can only do that if we have the necessary information. If, upon receipt of all the requested records and documents, we agree with your expert's conclusions that Lucy is too ill to be moved, we will abandon the contemplated litigation.

We want to give you time to gather this material and to make sure it is complete. Given the new developments in this matter, we will not initiate litigation for another month, until December 14, 2009.

We look forward to your response.

Yours truly,

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