

Troy J. Metzler

Washington, DC

July 25, 2006

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1 UNITED DISTRICT COURT
2 FOR THE THE DISTRICT OF COLUMBIA
3 AMERICAN SOCIETY FOR THE)
4 PREVENTION OF CRUELTY TO)
5 ANIMALS, et al.) Case No.
6 Plaintiffs,) 1:03-cv-02006
7 -vs-) (EGS/JMF)
8 RINGLING BROS. AND BARNUM &)
9 BAILEY CIRCUS, et al.,)
10 Defendant.)

11
12 Tuesday, July 25, 2006

13 Washington, D.C.

14 Video Deposition of TROY J. METZLER
15 called for examination by counsel for the
16 Plaintiff, pursuant to notice, held at the
17 offices of Meyer Glitzenstein & Crystal, 1601
18 Connecticut Avenue, N.W., Washington D.C.,
19 beginning at 9:35 a.m., before Karen N.
20 McConnell, CSR-RMR-CRR, a notary public in and
21 for the District of Columbia, when were present
22 on behalf of the respective parties:

Troy J. Metzler

July 25, 2006

Washington, DC

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| <p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 KATHERINE A. MEYER, ESQ.</p> <p>4 KIMBERLY OCKENE, ESQ.</p> <p>5 Meyer Glitzenstein & Crystal</p> <p>6 1601 Connecticut Avenue, N.W.</p> <p>7 Suite 700</p> <p>8 Washington D.C. 20009</p> <p>9 (202) 588-5206</p> <p>10 katherinemeyer@meyerglitz.com</p> <p>11</p> <p>12 On behalf of the Defendants:</p> <p>13 LISA ZEILER JOINER, ESQ.</p> <p>14 MICHELLE C. PARDO, ESQ.</p> <p>15 Fulbright & Jaworski</p> <p>16 801 Pennsylvania Avenue, N.W.</p> <p>17 Washington, D.C. 20004-2623</p> <p>18 (202) 662-0200</p> <p>19 ljoiner@fulbright.com.</p> <p>20 Also present: Tracy Silverman, Animal Welfare</p> <p>21 Institute</p> <p>22 Dustin Lavallee, Videographer</p> | <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: This is tape number</p> <p>3 1 in the video deposition of Mr. Troy Metzler in</p> <p>4 the matter of the American Society for the</p> <p>5 Prevention of Cruelty to Animals, et al., versus</p> <p>6 Ringling Bros. and Barnum & Bailey Circus, in</p> <p>7 the United States District Court, District of</p> <p>8 Columbia, Case Number 1:03-CV-02006 (EGS/JMF).</p> <p>9 The deposition is being held in the</p> <p>10 law offices of Meyer Glitzenstein & Crystal at</p> <p>11 1601 Connecticut Avenue, Northwest, Washington,</p> <p>12 D.C. 20009. And we are on the record at 9:35</p> <p>13 a.m. on July 25, 2006.</p> <p>14 My name is Dustin Lavallee in</p> <p>15 association with Alderson Reporting, 1111 14th</p> <p>16 Street, Suite 400, Washington, D.C. 20005. And</p> <p>17 I'm the legal video specialist. The court</p> <p>18 reporter is Karen McConnell, also in association</p> <p>19 with Alderson Reporting.</p> <p>20 For the record, will counsel please</p> <p>21 introduce themselves.</p> <p>22 MS. MEYER: Yes. I'm Katherine Meyer,</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>1 CONTENTS</p> <p>2</p> <p>3 Examination of TROY J. METZLER Page</p> <p>4</p> <p>5 BY MS. MEYER: 5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 EXHIBITS</p> <p>10</p> <table border="0"> <tr> <td style="text-align: left;">11 Number</td> <td style="text-align: left;">Description</td> <td style="text-align: right;">Page</td> </tr> <tr> <td>12</td> <td></td> <td></td> </tr> <tr> <td>13 1</td> <td>Subpoena</td> <td style="text-align: right;">6</td> </tr> <tr> <td>14 2</td> <td>Invoice, payment requisition,</td> <td style="text-align: right;">326</td> </tr> <tr> <td>15</td> <td>copy of check</td> <td></td> </tr> <tr> <td>16</td> <td></td> <td></td> </tr> <tr> <td>17</td> <td></td> <td></td> </tr> <tr> <td>18</td> <td></td> <td></td> </tr> <tr> <td>19</td> <td></td> <td></td> </tr> <tr> <td>20</td> <td></td> <td></td> </tr> <tr> <td>21</td> <td></td> <td></td> </tr> <tr> <td>22</td> <td></td> <td></td> </tr> </table> | 11 Number | Description | Page | 12 | | | 13 1 | Subpoena | 6 | 14 2 | Invoice, payment requisition, | 326 | 15 | copy of check | | 16 | | | 17 | | | 18 | | | 19 | | | 20 | | | 21 | | | 22 | | | <p>1 representing the Plaintiffs.</p> <p>2 MS. OCKENE: Kimberly Ockene, also</p> <p>3 representing the Plaintiffs.</p> <p>4 MS. JOINER: Lisa Joiner, here on</p> <p>5 behalf of Feld Entertainment, Inc., and the</p> <p>6 witness, Mr. Metzler.</p> <p>7 MS. PARDO: Michelle Pardo, here on</p> <p>8 behalf of Feld Entertainment and Troy Metzler.</p> <p>9 MS. SILVERMAN: Tracy Silverman on</p> <p>10 behalf of the Animal Welfare Institute.</p> <p>11 THE VIDEOGRAPHER: Will the court</p> <p>12 reporter please swear in the witness.</p> <p>13 Whereupon,</p> <p>14 TROY J. METZLER</p> <p>15 a witness, called for examination by counsel for</p> <p>16 the Plaintiffs, and, after having been sworn by</p> <p>17 the notary, was examined and testified as</p> <p>18 follows:</p> <p>19 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS</p> <p>20 MS. MEYER: I wanted to just make a</p> <p>21 brief statement for the record, which was to</p> <p>22 explain that Mr. Metzler is here pursuant to</p> |
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| <p>1 subpoena that was issued to him on June 8th, 2 2006, which I would like to have marked as 3 Exhibit 1. 4 (Metzler Deposition Exhibit Number 1 was 5 marked for identification and attached to 6 the transcript.) 7 MS. MEYER: There was a difference of 8 opinion between the parties as to whether or not 9 Mr. Metzler would have to be made available for 10 a deposition pursuant only to a Notice of 11 Deposition under Rule 30, or whether or not a 12 subpoena would be required. And in any event, 13 to resolve that difference of opinion, the 14 plaintiffs issued a subpoena to Mr. Metzler, and 15 the counsel for defendants agreed to accept that 16 subpoena on behalf of him, and he is here now 17 and ready to be deposed. 18 BY MS. MEYER: 19 Q. Mr. Metzler, would you state your full 20 name, please, for the record. 21 A. Troy J. Metzler. 22 Q. And how old are you?</p> | <p>1 like some clarification. 2 A. Okay. 3 Q. And the other thing that is important 4 to do is wait until I'm done asking the question 5 before you give your answer, because the 6 reporter has a difficult time recording both the 7 question and the answer if we are both talking 8 at the same time. 9 A. Okay. 10 Q. Have you been asked to testify in this 11 case at trial? 12 A. I -- no. 13 Q. What is your educational background? 14 Did you go to high school? 15 A. Yes. 16 Q. Where did you go to high school? 17 A. Tallmadge. 18 Q. Where is that? 19 A. Tallmadge, Ohio. 20 Q. Is that -- is that in the suburban 21 league? 22 A. Yes, I guess could call it, yeah.</p> |
| Page 7 | Page 9 |
| <p>1 A. I'm 42. 2 Q. And where were you born? 3 A. Akron, Ohio. 4 Q. And what is your current address? 5 A. P.O. Box 1869, Palmetto, Florida. 6 Q. I'm sorry? 7 A. P.O. Box 1869, Palmetto, Florida, 8 34220. 9 Q. Okay. And have you ever been deposed 10 before? 11 A. No. 12 Q. Are you familiar with the subpoena 13 that was just marked as Exhibit 1? 14 A. Yes. 15 Q. You have read it? 16 A. No. 17 Q. Have you seen the attachment that was 18 attached to the subpoena? 19 A. No, no. 20 Q. Okay. Now, I'm going to ask you a 21 series of question, and please let me know if 22 you don't understand the question or you would</p> | <p>1 Q. I'm from Akron, Ohio myself. That's 2 why I know that. 3 A. Okay. 4 Q. Did you attend college? 5 A. No. 6 Q. When did you graduate from high 7 school? 8 A. I don't -- '87. 9 Q. Did you -- have you received any post 10 high school educational training? 11 A. Cosmetology -- cosmetology degree. 12 Q. When did you get that? 13 A. Right out of high school. 14 Q. Where did you get that? 15 A. Oh, Akron, Ohio. 16 Q. And how long did it take to acquire 17 that? 18 A. About nine months. 19 Q. What's the name of the school that you 20 went to? 21 A. Riggs Lamar I want to say, but I don't 22 think it's any longer there.</p> |

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| <p>1 Q. Riggs Lamar, did you say?</p> <p>2 A. Yes. It's downtown.</p> <p>3 Q. So that would have been about 1988</p> <p>4 when you got your cosmetology degree?</p> <p>5 A. No, that would have been -- I'm sorry,</p> <p>6 I got my years mixed up here.</p> <p>7 Q. That's all right. You said '87, but</p> <p>8 that can't be right.</p> <p>9 A. No, that's right. '84 -- no, I'm</p> <p>10 sorry. I don't recall.</p> <p>11 Q. Let's back up. High school</p> <p>12 graduation.</p> <p>13 A. I didn't go. I graduated -- I</p> <p>14 graduated early, so I went to summer school just</p> <p>15 so I could leave on the road. It had to be '78.</p> <p>16 Q. '78. So the cosmetology training was</p> <p>17 finished in '79? Would that be right?</p> <p>18 A. Yes.</p> <p>19 Q. Now, I want to talk about your</p> <p>20 employment before you started working with</p> <p>21 animals, so could you give us your employment</p> <p>22 history from the time you received your</p> | <p>1 A. I mean '79, '80.</p> <p>2 Q. Okay. And how long did you have that</p> <p>3 job?</p> <p>4 A. Well, it was about nine months. It's</p> <p>5 a family business, so...</p> <p>6 Q. Was it right downtown in New Orleans?</p> <p>7 A. In the Quarter.</p> <p>8 Q. And how long did you live in New</p> <p>9 Orleans?</p> <p>10 A. About a year.</p> <p>11 Q. And what was your next employment</p> <p>12 after that?</p> <p>13 A. Hannford Circus.</p> <p>14 Q. Hannford? How do you spell that?</p> <p>15 A. H-A-N-N-F-O-R-D.</p> <p>16 Q. And where was that located?</p> <p>17 A. His office would be in Florida,</p> <p>18 Sarasota.</p> <p>19 Q. Who runs the circus?</p> <p>20 A. Tommy Hannford.</p> <p>21 Q. Can you speak up just a little bit</p> <p>22 because I'm actually having a hard time hearing</p> |
| Page 11 | Page 13 |
| <p>1 cosmetology training in Akron, Ohio. What was</p> <p>2 your first job after that?</p> <p>3 A. It was a family business, called the</p> <p>4 Headhunter Salon.</p> <p>5 Q. And was that in Akron?</p> <p>6 A. Cayuga Falls.</p> <p>7 Q. I know it well. And how long did you</p> <p>8 work there?</p> <p>9 A. About a year.</p> <p>10 Q. And what did you do in that business?</p> <p>11 A. Everything.</p> <p>12 Q. Can you give us your duties?</p> <p>13 A. Reception, perms, haircuts, colors,</p> <p>14 manicures.</p> <p>15 Q. And after you completed that job, what</p> <p>16 was your next job?</p> <p>17 A. I moved to New Orleans, had a salon</p> <p>18 there called the Headquarters.</p> <p>19 Q. And what year was that?</p> <p>20 A. That would have been -- I want to say</p> <p>21 '89.</p> <p>22 Q. '89?</p> | <p>1 you.</p> <p>2 A. Sure.</p> <p>3 Q. And what did you do for the Hannford</p> <p>4 Circus?</p> <p>5 A. I went with the private owner of lions</p> <p>6 and tigers.</p> <p>7 Q. Who was that?</p> <p>8 A. Alan Gold.</p> <p>9 Q. How did you meet Mr. Gold?</p> <p>10 A. He was a friend of the family.</p> <p>11 Q. And when you say you went with</p> <p>12 Mr. Gold to the Hannford Circus, what do you</p> <p>13 mean by that?</p> <p>14 A. Well, he needed some help, so I left</p> <p>15 work for a couple of weeks to baby-sit his kids</p> <p>16 and just help out with the act.</p> <p>17 Q. When you say you left work, you left</p> <p>18 with the hair salon?</p> <p>19 A. Yes.</p> <p>20 Q. And then after that you were employed</p> <p>21 full time?</p> <p>22 A. Yeah. I just never went back.</p> |

4 (Pages 10 to 13)