

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE :
PREVENTION OF CRUELTY TO :
ANIMALS, et al., :

Plaintiffs, :

v. :

Case No. 03-2006 (EGS/JMF)

RINGLING BROS. AND BARNUM & :
BAILEY CIRCUS, et al., :

Defendants. :

**DEFENDANT’S NOTICE OF SUPPLEMENTAL POINTS AND
AUTHORITIES IN SUPPORT OF ITS MOTION TO COMPEL
DOCUMENTS SUBPOENAED FROM THE WILDLIFE ADVOCACY PROJECT**

ATTACHMENT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- X

AMERICAN SOCIETY FOR THE PREVENTION :
OF CRUELTY TO ANIMALS, et al., :
Plaintiffs, : Civ. No.
v. : 03-02006
RINGLING BROTHERS AND BARNUM & BAILEY : (EGS)
CIRCUS, et al., :
Defendants. :

----- X

Washington, D.C.

Thursday, October 12, 2006

Videotaped deposition of TOM E. RIDER, called
for examination by counsel for the Plaintiffs in the
above-entitled matter, pursuant to notice, the witness
being duly sworn by CARLA L. ANDREWS, a Notary Public
in and for the District of Columbia, taken at the
offices of Meyer, Glitzenstein & Crystal at 1601
Connecticut Avenue, Northwest, Suite 700, Washington,
D.C. 20009-1056, at 9:27 a.m., Thursday, October 12,
2006, and the proceedings being taken down by Stenotype
by CARLA L. ANDREWS and transcribed under her
direction.

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1 two years?
 2 A No.
 3 Q Do you know any reason why you might go to
 4 jail in the next two years?
 5 A No.
 6 Q Do you lack the financial means to be a trial
 7 witness in this case?
 8 A No.
 9 Q Do you refuse to accept a subpoena if one of
 10 the plaintiff organizations gave you one for trial?
 11 A Would I -- no, I would not refuse a summons
 12 or subpoena.
 13 MR. SIMPSON: Just to clear up an objection I
 14 made when we started this. I got confused between
 15 Plaintiff's Exhibit 4 and Exhibit 1. I thought one was
 16 the interrogatory. It was not. I am sorry. I didn't
 17 mean to make the objection to that document. I meant
 18 to make the objection to number four, which is the
 19 answers to the interrogatories. So I withdraw the
 20 objection to number one, and I make the objection to
 21 number four just so the record is clear.
 22 Let's mark this as Defendant's Exhibit 1.

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1 (Defendant's Exhibit No. 1, marked for
 2 identification.)
 3 BY MR. SIMPSON:
 4 Q Mr. Rider, let me show you what we have
 5 marked for identification as Defendant's Exhibit 1,
 6 which are a series of IRS forms 1099 for the years
 7 2002, 2003, '04 and '05, Bates numbered 398 through, it
 8 looks like, 401, although it looks like it might have
 9 been gotten cut off. And for the record, these
 10 documents were produced in discovery by an entity
 11 called the Wildlife Advocacy Project.
 12 Sir, have you had a chance to examine this
 13 document or these pages? Would you please do so?
 14 A Okay.
 15 Q If you could turn to the last page first, the
 16 form for 2005.
 17 A Okay.
 18 Q Do you recall receiving a document from the
 19 Wildlife Advocacy Project for 2005 that looks like
 20 this?
 21 A Yes.
 22 Q All right. Is it true, sir, when it says in

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1 block seven that you were paid by that organization
 2 \$33,600 in non-employee compensation during 2005?
 3 A Yes.
 4 Q Do you have any reason to dispute that
 5 number?
 6 A No.
 7 Q If you could turn to the next document on top
 8 of it for 2004.
 9 A Okay.
 10 Q It states that in block seven that -- and I
 11 will use WAP for brevity. When I say Wildlife Advocacy
 12 Project, I mean, WAP, same thing.
 13 A Sure.
 14 Q Is it true, sir, WAP paid you \$23,940 in
 15 2004?
 16 A I was -- that would total the grant, I guess.
 17 Q Do you recall receiving this document in 2004
 18 before 2004?
 19 A Yes.
 20 Q If you could look at the one on top of that
 21 for 2003. I direct your attention, sir, to block
 22 seven. Is it true that WAP paid you \$7,336 in 2003?

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1 A That was the amount of the grants, yes.
 2 Q And did you receive a copy of this 2000 -- of
 3 this 1099 from WAP?
 4 A Yes.
 5 Q And for the final one, sir, on top block
 6 seven, is it correct that WAP paid you \$7,773.34 in
 7 2002?
 8 A Yes, that would be the amount of the grant.
 9 Q And did you, in fact, receive this 1099 from
 10 WAP for this year?
 11 A For 2002, yes.
 12 Q All right. Did you declare these amounts
 13 reflected on these 1099's on your federal income tax
 14 return?
 15 A No.
 16 Q You did not?
 17 A No.
 18 Q For any of the years in question?
 19 A No. That's income tax.
 20 Q So just so we are clear, you did not declare
 21 the money listed on the 1099 for 2005 on your federal
 22 income tax return?

32 (Pages 122 to 125)

<p style="text-align: right;">Page 126</p> <p>1 A No. 2 Q For that year? 3 A No. 4 Q And you didn't declare the money that was 5 listed in 2004 1099 on your federal tax return for that 6 year; is that correct? 7 A Right. That's income tax return, right? 8 Yeah. 9 Q And you didn't declare the money listed on 10 the 1099 for 2003 on your tax return for that year; is 11 that true? 12 A True. 13 Q And you didn't declare the money listed on 14 the 1099 for 2002 on your tax return; is that correct? 15 A Yeah. 16 Q Do you have copies of your federal tax 17 returns? 18 A No. I didn't file a federal tax return -- 19 non-income. 20 Q So I am clear on this, sir, for the year 2005 21 did you file a tax return with the Internal Revenue 22 Service?</p>	<p style="text-align: right;">Page 128</p> <p>1 A A grant was issued in the amount of \$500, 2 yes. 3 Q You call it a grant, but it was a check; is 4 that correct, a check? 5 A Oh, it was a check, yes. 6 Q And you took that check and cashed it? 7 A Yes. 8 Q And when you got that check, it was delivered 9 to you usually in the mail; is that correct? 10 A No. 11 Q How was it generally delivered to you? 12 A Usually FedEx. 13 Q Federal Express? 14 A Federal Express. 15 Q When that Federal Express package was 16 delivered to you, it would come with a cover letter, 17 would it not? 18 A Yes, sir. 19 Q That cover letter was usually from the 20 Wildlife Advocacy Project, was it not? 21 A Yes, sir. 22 Q And it was usually signed by Eric</p>
<p style="text-align: right;">Page 127</p> <p>1 A No, sir. 2 Q Did you file a tax return for the year 2004 3 with the Internal Revenue Service? 4 A An income tax return? No. 5 Q Did you file a tax return with the IRS for 6 2003? 7 A No, sir. 8 Q Did you file one for 2002 with the IRS? 9 A No, sir. 10 Q When was the last time you filed one with the 11 IRS? 12 A That would have been with -- 19 -- that would 13 have 90 -- for the year '98, I was at Ringling Brothers 14 and the year before that and I believe the year before 15 that. 16 Q Are you planning to file a tax return for 17 2006? 18 A If I have income. 19 Q Take the year, for example, 2006, sir. And 20 when you received money from WAP, isn't it true that 21 you were paid by WAP in the form of a check for \$500 22 roughly every two weeks?</p>	<p style="text-align: right;">Page 129</p> <p>1 Glitzenstein, was it not? 2 A Majority of the time, yes. 3 Q And he, to the best of your knowledge, is the 4 president of WAP, is he not -- excuse me -- WAP? 5 A At that time I assume I guess he is. That, I 6 wouldn't know. I don't know who the president of the 7 organization is. 8 Q But he would write you letters on WAP 9 letterhead? 10 A So I expect he is the president. I mean, 11 that's assumption. 12 Q Okay. You assume that? 13 A I assume he is. 14 Q And Mr. Glitzenstein is also your lawyer in 15 this case, is he not? 16 A I believe that Kathy Meyer is my lawyer. 17 Q So do you know whether Mr. Glitzenstein 18 represents you in this case or not? 19 A Well, the law firm of Meyer and Glitzenstein 20 represents me. My attorney is Kathy and Kim. 21 Q You have more than one attorney. But my 22 question, sir, is does Eric Glitzenstein to your</p>

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1 knowledge represent you in the lawsuit that we are here
2 today to taking this deposition?

3 MS. MEYER: I am going to object. That has
4 been asked and answered.

5 BY MR. SIMPSON:

6 Q You can answer the question unless she is
7 instructing you not to.

8 A To the best of my knowledge, Kathy and Kim
9 are my attorneys who work for Meyer and Glitzenstein.

10 Q Did you review the complaint in this case
11 before it was -- well, let me just say this. Yeah, the
12 complaint in this case before it was filed?

13 A Did I review the complaint? You mean the
14 actual lawsuit filing?

15 Q Yeah, the document --

16 A I did not review it before it was filed.

17 That was back in 2000 now.

18 Q I am talking about the one that was filed in
19 this case September 26, 2003?

20 A Sorry. What was filed in 2003? Is that the
21 initial -- the initial lawsuit?

22 Q Maybe you don't know about all the -- what's

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1 Q Does it surprise you or not?

2 A No, I am not surprised. But I am surprised
3 in the sense -- I am not surprised, but he is not the
4 person that I deal with.

5 (Defendant's Exhibit No. 2, marked for
6 identification.)

7 BY MR. SIMPSON:

8 Q Let me show you, sir, what we have marked for
9 identification as Defendant's Exhibit 2, which for
10 identification is a September 26, '05, letter to Dear
11 Tom from Eric Glitzenstein. Do you recognize this
12 document, sir?

13 A Yes.

14 Q Is this an example or let me put it this
15 way. Is this illustrative of the types of cover

16 letters that you would get from Mr. Glitzenstein with
17 your payments from WAP? Illustrative is a bad word,
18 okay.

19 A I am not familiar with that word, sir.

20 Q Is this an example of the kind of cover

21 letter you would get from Mr. Glitzenstein when you got

22 your payments from WAP?

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1 going on, but let me just show you, sir, the complaint
2 that was filed in this case on September 26, 2003. I
3 direct your attention to page 22 where counsel for the
4 plaintiffs are listed.

5 A Okay.

6 Q And does that surprise you, sir, that
7 Mr. Glitzenstein's name is listed there and with his
8 signature?

9 A No. No, I expect -- it looks like the law
10 firm signed it. This is the original. This looks to
11 me like it was the original one that was filed. I am a
12 little confused on that. I read this. But as far as
13 paying attention to -- as I say, I don't -- in other
14 words, I have communicated with Kathy and Kim at the
15 time.

16 Q Well, the question, though, sir, was does it
17 surprise you as you sit here today to find out
18 Mr. Glitzenstein signed the complaint as a counsel for
19 plaintiffs in this case?

20 MS. MEYER: Objection. He already answered
21 that question.

22 BY MR. SIMPSON:

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1 A Yes, sir.

2 Q Were there times when you would come to this
3 office and pick up cash from WAP?

4 A No.

5 Q Did you ever get paid in cash from WAP?

6 A No.

7 Q So it was either a check that you cashed; is
8 that correct?

9 A Yes, sir.

10 Q Or deposited in someone else's account and
11 they gave you the money?

12 A No, sir.

13 Q Did you ever deposit this in anyone else's
14 account?

15 A Yes, for check-cashing purpose. I never
16 deposited in their account.

17 Q In other words, you endorsed it to someone
18 and they gave you the money back?

19 A Because they had a bank account, for
20 instance. If they had a bank account and I had the
21 cash the check and I was able to cash it that way.

22 Q And the other way you got paid was through a

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1 Western Union money gram; is that correct?

2 A There was times when it was sent in Western
3 Union.

4 (Defendant's Exhibit No. 3, marked for
5 identification.)

6 BY MR. SIMPSON:

7 Q Let me show you, sir, what we have marked as
8 Defendant's No. 3. This is Exhibit No. 3 for
9 identification, which is a document produced by WAP in
10 this case entitled the Wildlife Advocacy Project custom
11 transaction detail report, all transactions. Have you
12 ever seen this before?

13 A No, sir.

14 Q It indicates in here -- you can just glance
15 through it -- numerous entries indicating a payment to
16 Tom Rider for media expenses?

17 A Yes, sir.

18 Q Did you understand what media expenses means?

19 A Yes, sir.

20 Q What does media expense mean?

21 A Any and all expenses that I incur on the road
22 in the process of my public appearances on behalf of

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1 Q How about the suit you are wearing? Is that
2 one of your media expenses?

3 A I believe this was a gift, too.

4 Q Do you have a job?

5 A No, sir.

6 Q Do you collect unemployment compensation?

7 A No, sir.

8 Q Do you collect food stamps?

9 A No, sir.

10 Q Aid for Families with Dependent Children?

11 A No, sir.

12 Q Do you have any other source of income as we
13 now speak other than what you get in financial
14 assistance from the WAP?

15 A No, sir.

16 Q How much are they going to pay you this year,
17 do you know?

18 A I don't know what the grants will be this
19 year.

20 Q Do you have any estimate about how much you
21 have been paid from January 1, 2006 till today?

22 A No, sir, I don't. I could probably figure it

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1 the elephants.

2 Q And so what would those expenses be, sir?

3 A Any and everything that it takes to live in a
4 Volkswagen van.

5 Q So that would be your food?

6 A It would be food, gas, laundry, oil, gas for
7 my generator, you know, very little entertainment. I
8 don't -- that's any and all expenses that I incur on
9 the road.

10 Q Does it include your clothing?

11 A Yes, sir. If I needed my clothes washed or I
12 needed a new shirt or something because one was getting
13 raggedy.

14 Q Did WAP buy your shirt that you are wearing
15 today?

16 A I bought it with -- for the purpose of the
17 doing media.

18 Q So the shirt that you are wearing today is
19 one of your media expenses?

20 A Yes, sir.

21 Q Is the tie?

22 A No, no. The tie was a gift.

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1 out. It has been basically the same this year.

2 Q So you expect it could be as much as \$33,600?

3 A If that's what the grant comes to. That's --
4 sometimes you have other expenses like I could break
5 down in my van.

6 Q Now, have you ever had an expense that you
7 have incurred, a media expense, for example, that you
8 have not paid for with your media expense money from
9 WAP but that someone else has paid on our behalf with a
10 credit card?

11 A From my media? Beginning of the question
12 when -- has anybody paid?

13 Q Let me re-ask it. It's a bad question.

14 There are certain things you go out and buy with the
15 money you get from WAP, correct?

16 A Yes.

17 Q Food, clothing, correct, gasoline for your
18 van, other things that you actually buy yourself,
19 correct?

20 A For whatever it takes me to live.

21 Q Now, are there things that WAP provides to
22 you that you don't pay for but somebody else let's you

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1 charge to their credit card?
 2 MS. MEYER: I am going to object on the
 3 grounds that that's a compound question. You have two
 4 parts to that question. Maybe you should break it
 5 down.
 6 BY MR. SIMPSON:
 7 Q Have you ever gone, sir, and rented a hotel
 8 room and paid for it with someone else's credit card in
 9 the context of what you claim is your media
 10 involvement?
 11 A Has anyone ever used their credit card to pay
 12 for a hotel room? Is that what you are asking?
 13 Q Well, that's a good question. Answer that.
 14 A Yeah, I would say -- let me think. Anyone
 15 other than the Wildlife Advocacy Project.
 16 Q Anybody, period, whether it includes them or
 17 not?
 18 A It would have been Pat Derby at PAWS when I
 19 spoke to Congress. I expect they paid with a credit
 20 card. I wouldn't know -- you know, at that time there
 21 might have been a time when I was -- when we were maybe
 22 in between funds or something where somebody could

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1 you stayed at a hotel in Lincoln, Nebraska called the
 2 Lincoln Inn?
 3 A I didn't know where it was.
 4 Q The question is, did there come a point when
 5 you stayed at a hotel in Lincoln, Nebraska called the
 6 Lincoln Inn, yes or no?
 7 A Yes.
 8 Q And you were there, were you not, to testify
 9 before the Nebraska Legislature on a bill that
 10 concerned Asian elephants; is that correct?
 11 A Yes, sir.
 12 Q When you stayed at this hotel in Lincoln,
 13 Nebraska for what looks to be a week, that hotel bill
 14 was paid on the credit card of Wildlife Advocacy
 15 Project Eric Glitzenstein; is that correct?
 16 A Yes.
 17 Q Now, using this as an example of using
 18 someone else's credit card, is this procedure something
 19 that frequently happens to you or is this a rare
 20 occurrence?
 21 A Very infrequent.
 22 Q Has it happened more than once?

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1 have. But to the best of my knowledge, I can't
 2 remember exactly because I don't have a credit card.
 3 So I will not use my credit card other than, okay, I
 4 had a debit card that I used to use. Is that what you
 5 are talking about? I am a little confused on this
 6 question.
 7 MR. SIMPSON: All right. Let me mark this,
 8 then.
 9 (Defendant's Exhibit No. 4, marked for
 10 identification.)
 11 BY MR. SIMPSON:
 12 Q Sir, let me show you what we have marked as
 13 Defendant's Exhibit 4 for identification, which was a
 14 document -- a three-page document produced in this case
 15 pursuant to the subpoena that was served by us on WAP,
 16 Bates numbered 395 through 397. This is how it was
 17 produced. It looks like a fax cover sheet to the
 18 Lincoln Inn together with a xeroxed copy of the front
 19 and back of a Visa card issued in the name of Wildlife
 20 Advocacy Project, Eric Glitzenstein.
 21 Now, my question to you, sir, with this
 22 document in front of you, did there come a time when

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1 A It may have under the -- not -- once or twice
 2 that I -- it is so infrequent I could not recall when
 3 it happened.
 4 Q Has this same procedure with using someone
 5 else's credit card been used by you for any other
 6 purpose other than a hotel room?
 7 A Other than a hotel room, I couldn't recall at
 8 this time.
 9 MR. SIMPSON: All right. I just got a note
 10 we need to change the tape; is that correct?
 11 THE VIDEOGRAPHER: This marks the end of tape
 12 two of the deposition of Tom Rider. Going off the
 13 record. The time is 1329:41.
 14 (A brief recess was held.)
 15 THE VIDEOGRAPHER: This marks the beginning
 16 of tape three of the deposition of Tom Rider. Going
 17 back on the record. The time is 1332:16.
 18 (Defendant's Exhibit No. 5, marked for
 19 identification.)
 20 BY MR. SIMPSON:
 21 Q Mr. Rider, let me show you what's marked as
 22 Defendant's Exhibit 5, which is a series of xeroxed

36 (Pages 138 to 141)

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1 checks front and back. And I will represent to you,
 2 sir, that it was produced by WAP in this case, Bates
 3 numbered 408 through 501. I am not going to go through
 4 obviously every one of these. But I would like you,
 5 sir, if you can look just at the top document and the
 6 top two, which has been represented is the front and
 7 back of these cancelled checks?
 8 A Okay.
 9 Q And the question, sir, is this an example of
 10 the type of check you had received over the years from
 11 WAP?
 12 A Yes, sir.
 13 Q And just for the record on page 409, is that
 14 your signature on the back of these checks?
 15 A Yes, sir.
 16 (Defendant's Exhibit No. 6, marked for
 17 identification.)
 18 BY MR. SIMPSON:
 19 Q I am going to show you, sir, what we have
 20 marked as Defendant's Exhibit 6 for identification.
 21 This is an April 12, 2005, memorandum to Tom Rider from
 22 Katherine Meyer. Do you recognize this document, sir?

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1 A Yes, sir.
 2 Q Did you receive it on or after April 12,
 3 2005?
 4 A Yes, sir.
 5 Q It indicates in here, sir, that enclosed was
 6 a check for \$5,500 to allow you to purchase a used
 7 van. Was such a check attached?
 8 A Yes, sir.
 9 Q Did you, in fact, take that check and
 10 purchase a used van?
 11 A Yes, sir.
 12 Q Is that the van you currently have?
 13 A Yes, sir.
 14 Q Who is that van registered in the name of?
 15 A Tom Rider.
 16 Q Who pays the insurance?
 17 A Tom Rider.
 18 Q Do you pay that insurance out of your media
 19 expenses?
 20 A That's part of my travel expenses, yeah.
 21 Q So WAP pays for your insurance?
 22 A No. I pay for my insurance. It is in my

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1 name. I use my grant to pay for my --
 2 Q You use the money provided by WAP to pay the
 3 insurance premiums; is that correct?
 4 A Yes, sir.
 5 Q Did you use the money provided by WAP to pay
 6 for the registration on this car?
 7 A Yes, sir.
 8 Q Has WAP provided you with any vehicle other
 9 than the one you just discussed?
 10 A No, sir.
 11 Q Did you have a vehicle prior to April 12,
 12 2005?
 13 A Yes, sir.
 14 Q What happened to that car?
 15 A I blew an engine.
 16 Q You got rid of it?
 17 A I blew an engine. Yeah, I got rid of it when
 18 I got this one.
 19 Q Were there times prior to April 12, 2005, in
 20 which you were provided money to repair that vehicle?
 21 A Yes.
 22 Q And who provided that money?

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1 A Fund for Animals through the -- I believe at
 2 that time, yeah, it was minor -- yeah, I believe it was
 3 Wildlife Advocacy Fund for Animals when it broke down.
 4 Q And when was that, sir?
 5 A Well, it was just before the initiative in
 6 Denver two and a half or two -- it would have been
 7 probably October 2003 roughly -- it was in October --
 8 oh, wait a minute. Was it -- because I had to fix it
 9 and go to Denver for the initiative. I am a little --
 10 I am sure that it was in '93 or 2003. But I am not
 11 sure of the exact month because I would have to look up
 12 when the initiative in Denver was.
 13 Q Okay. Other than this Fund for Animal
 14 situation that you have just described, has anyone else
 15 on any other occasion provided you money to repair a
 16 vehicle since -- let me put it this way -- since May of
 17 2001?
 18 MS. MEYER: I have got to object because this
 19 line of questioning, I thought, was concerning the
 20 previous vehicle. And now you have switched to both
 21 vehicles.
 22 MR. SIMPSON: Well, we are talking about the

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1 prior vehicle.
 2 MS. MEYER: Okay. That wasn't clear from
 3 your last question.
 4 BY MR. SIMPSON:
 5 Q We are talking about the prior vehicle, the
 6 one you had before the one you now have that WAP paid
 7 for. And what I am talking about is the other
 8 vehicle -- by the way, what was it?
 9 A Volkswagen van.
 10 Q All right. The old Volkswagen van was
 11 repaired once by Fund for Animals; is that correct?
 12 A Yes, before I went to Denver.
 13 Q Has it had been prepared by anybody else?
 14 A Let me think.
 15 Q Other than the Fund for Animals?
 16 MS. MEYER: Objection. When you say repaired
 17 by, you are not talking about the shop that repaired
 18 it?
 19 MR. SIMPSON: I will rephrase the question.
 20 BY MR. SIMPSON:
 21 Q Have the repairs on that old Volkswagen van
 22 been paid for by anyone else in addition to the Fund

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1 for Animals?
 2 A Yes. On that van there was, yes.
 3 Q Who provided such --
 4 A My daughter.
 5 Q Anyone else?
 6 A Not that I recall.
 7 Q When was the last time you received a payment
 8 from WAP?
 9 A I received a grant this week.
 10 Q And how much was it?
 11 A Five hundred a week for two weeks at a time,
 12 so it is a thousand dollar grant.
 13 Q Now, you call this a grant. Is that your
 14 terminology or that's something --
 15 A That's what it is. It is a grant.
 16 Q And is that the basis upon which you decided
 17 not to declare it as income?
 18 A It is a grant. I am not familiar with all
 19 the laws concerning the IRS, but I consider that a
 20 grant. And after taking out my expenses, I mean, there
 21 is not enough to file taxes. You have to make -- if I
 22 had a job, I would have to make so much money.

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1 Q So it is a wash. Is that what you were
 2 saying?
 3 A No. I am just saying that I -- no, I haven't
 4 filed. It is a grant.
 5 Q But when you subtract your expenses, is there
 6 anything left over?
 7 A No, no.
 8 Q And I want to focus on the period since 2001.
 9 A Okay.
 10 Q The last five years.
 11 A Okay.
 12 Q Putting aside WAP, have you received any
 13 money during that time frame from the American Society
 14 for the Prevention of Cruelty to Animals?
 15 A Yes.
 16 Q How much have they paid you?
 17 A I believe it was -- I know there was a \$5,000
 18 grant and there was a thousand that I can recall. And
 19 past that, it was while I was on Greyhound, it was a
 20 \$250 grant a week.
 21 Q And do you know how long that 250 per week
 22 lasted?

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1 A A week. Oh, you mean --
 2 Q For how long a period of time were you
 3 getting \$250 a week from ASPCA?
 4 A It wasn't steady. You know, I would really
 5 have to sit down and break it down. Up until
 6 probably -- I am not sure. I would have to break it
 7 down. You know, it was some and it was periodically.
 8 Q Do you have any estimate as you sit here
 9 today about what the total amount paid by ASPCA to you
 10 was during this time frame?
 11 A I guess maybe 10, 15, 16,000, somewhere in
 12 that. It could be more. I am not familiar with -- I
 13 don't do their books, so.
 14 Q During this same period, sir, have you been
 15 paid any money by the Animal Welfare Institute?
 16 A I received grants from them.
 17 Q How much money have you received from them?
 18 MS. MEYER: Could I just object? When you
 19 say during the same period, are you -- it is not clear
 20 whether you are talking about the same period he was
 21 receiving money from ASPCA or from 2001 to the present.
 22 BY MR. SIMPSON:

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1 Q During the period since 2001, sir -- well,
2 let's put it this way. During the period -- well,
3 that's a good time frame. Since 2001, how much money
4 have you received from the Animal Welfare Institute?

5 A Well, again, from the actual -- that's going
6 to be -- that would be a guess, and I would rather not
7 just guess at this. It is not right.

8 Q All right. But they have paid you something;
9 is that correct?

10 A They have issued grants, but -- I believe
11 there was twice where they actually had physically sent
12 me a check and once I know for sure. I am going to say
13 once that I know of for sure, which was in Florida. I
14 believe that was for \$500 for media down in Florida. I
15 can vouch for that. The rest of it not -- I wouldn't
16 have any way of really telling what they put into it.

17 Q Since 2000 --

18 A Maybe --

19 Q I'm sorry. Are you finished?

20 A Yeah, I am done. Sorry.

21 Q Since 2001, sir, and putting aside the
22 vehicle repair payment, has the Fund for Animals paid

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1 Glitzenstein is a law firm. And if you are talking
2 about them giving me grants, I can't recall.

3 Q Since 2001 have you received any money from
4 the Animal Protection Institute?

5 A Yes, \$50.

6 Q Other than Mr. Glitzenstein, Ms. Meyer, and
7 their law firm, have you received since 2001 any money
8 from any other lawyer involved in this case?

9 A No.

10 Q Do you have a laptop computer?

11 A Yes.

12 Q Who provided that?

13 A A gentleman in California who -- friend.

14 Q All right. Is that -- who is that person?
15 His name?

16 A Rich.

17 Q Rich what?

18 A I believe it is Rubin.

19 Q Is he associated with any animal welfare or
20 animal advocacy to your knowledge?

21 A Not to my knowledge. He is a friend of
22 animals.

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1 you any money?

2 A Other than the one time I talked about?

3 Q Yes.

4 A Oh, other than fixing the car, not that I can
5 recall.

6 Q Since 2001 have you -- other than the
7 payments you have received from the Wildlife Advocacy
8 Project, have you received any payments directly from
9 Eric Glitzenstein?

10 A No.

11 Q Since 2001 other than payments that you have
12 received from the Wildlife Advocacy Project, have you
13 received any payments from Katherine Meyer?

14 A No.

15 Q Since 2001 other than the payments from
16 Wildlife Advocacy Project, have you received any money
17 from the law firm Meyer, Glitzenstein, and Crystal?

18 A Yeah -- yes.

19 Q How much?

20 A Well, it was when my sister died. No, that
21 wasn't from the firm, no. I am going to have to say--
22 because I am little confused here because Meyer and

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1 Q What do you mean by that?

2 A He likes elephants.

3 Q Do you have a cell phone?

4 A Yes.

5 Q Who provides that? Let me rephrase. Who
6 pays for that cell phone?

7 A I believe that's out of the grants for the --
8 I believe it is WAP, Wildlife Advocacy Project.

9 Q All right. And how long have you had that
10 cell phone?

11 A Oh, that's -- I have had a cell phone at
12 different times during the whole time. Like when I was
13 with the ASPCA, I had a cell phone. So I would say
14 from -- I don't know when the bills started -- a year
15 or two.

16 Q During the period since 2001, have you had a
17 cell phone the entire time?

18 A Not the entire time but majority of it.

19 Q For the time when you did have a cell phone,
20 was there any point in time when you paid the bill with
21 money other than money provided to you by WAP or ASPCA?

22 A No.

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1 him.

2 Q What kept you from doing that?

3 A Because I was going to Europe with those
4 three elephants. And Kenneth Feld is untouchable
5 basically.

6 Q What kept you from writing him a letter?

7 A I don't know the man. I don't know him.

8 Q There was nothing that kept you from writing
9 a letter, was it?10 A Yes. He was very good friends with Dicky
11 Chipperfield, so that could have prevented me from
12 working and getting fired in England.13 Q The Chipperfields might have fired you as a
14 result. Is that your testimony?15 A That's what I am going to say, yes, because
16 Mr. Chipperfield and Mr. Feld, I guess, are pretty good
17 friends. And it is not my position that I should have
18 to go anyone further than my supervisor at Ringling.
19 When I tell Randy Peterson, that should be it.20 Q There was nothing that kept you when you quit
21 your job at Ringling Brothers from going to the USDA
22 over this, either, was there?

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1 A I never worked for them.

2 Q Was there a point in time when you had any
3 relationship at all with PAWS?

4 A Yes.

5 Q What was the nature of that relationship?

6 A Equal interest in elephants.

7 Q And what was the time period in which you had
8 the relationship that you just described? Do you
9 remember that?10 A Approximately three days after I returned to
11 the United States up until May of 2001. So it would be
12 from 2000 to 2001. Approximately 14 to 15 months.13 Q During that time period that you just
14 described, did PAWS pay you any money?15 A Not -- I was given a grant each week for my
16 food.

17 Q Who gave you the grant?

18 A PAWS.

19 Q How much was the grant each week?

20 A It was \$50.

21 Q Did PAWS provide you with any other benefit
22 during that time frame that you described?

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1 A Yes.

2 Q What?

3 A I was on a boat going to Europe.

4 Q You still could have written them a letter,
5 couldn't you? They don't get mail in England?6 A Who would I write to? The USDA? I don't
7 know who I would write to.8 Q You ultimately made a complaint to the USDA;
9 is that correct?

10 A Oh yes, sir.

11 MS. MEYER: Can we take a break at some point
12 like a 10-minute break? We have been going for --

13 MR. SIMPSON: This is fine.

14 THE VIDEOGRAPHER: Going off the record. The
15 time is 1433:06.

16 (A recess was held.)

17 THE VIDEOGRAPHER: Going back on the record.
18 The time is 1447:54.

19 BY MR. SIMPSON:

20 Q Mr. Rider, did there come a time, sir, when
21 you went to work for an organization called the
22 Performing Animal Welfare Society or PAWS, P-A-W-S?

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1 A Housing.

2 Q Where was the housing located?

3 A I believe it was the Royal Delta Inn in Galt,
4 California.

5 Q Did PAWS provide you any other benefit?

6 A No.

7 Q During that time frame, March 2000 to May of
8 2001, did you have any other source of income?

9 A No.

10 Q Did you have any other employment during that
11 time frame?12 A No. I was not employed during that time
13 (Defendant's Exhibit No. 10, marked for
14 identification.)

15 BY MR. SIMPSON:

16 Q Let me show you, sir, what we have marked as
17 Defendant's Exhibit 10, which was produced in this case
18 as TR 0001. It is a letter, dated May 14, 2001,
19 apparently from Tom Rider to Pat Derby. Do you
20 recognize this, sir?

21 A Yes, sir.

22 Q Is it your signature?

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1 A Yes, sir.
 2 Q Did you send this letter to Pat Derby on or
 3 about May 14, 2001?
 4 A Yes, sir.
 5 Q Did you write this letter?
 6 A Yes, sir.
 7 Q So these are your words?
 8 A Yes, sir.
 9 Q It states in here that -- in the first line
 10 that you had a security job at PAWS; is that correct?
 11 Well, let me say the letter states that, correct?
 12 A Right.
 13 Q Did you have such a job at PAWS?
 14 A I was instructed by Pat Derby to open the
 15 gate for anyone who came down to the gate.
 16 Q This was the gate to the property?
 17 A It was a gate that was on the sanctuary.
 18 Q So you were like the night watchman?
 19 A No. I was there to open the gate for anyone
 20 who came down to go through that gate.
 21 Q To get out of the property?
 22 A No. It was in the middle of the property.

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1 Q Did you have any other duty at PAWS other
 2 than the gate duty?
 3 A I watered plants. But that was on my own
 4 accord because nobody could water the trees.
 5 Q Did they have elephants at that time?
 6 A No.
 7 Q Did they have other animals at that time?
 8 A No.
 9 Q Did you have any involvement with any of PAWS
 10 advocacy press relations or any other types of similar
 11 activities?
 12 A I am sorry. Yes.
 13 Q And what did you do in that regard?
 14 A Some press conferences, any media that Pat
 15 wanted me to.
 16 Q How many times did you do that?
 17 A Probably six to 10 times. About six to 10
 18 times.
 19 Q And what was the nature of your involvement
 20 in these press conferences? What did you talk about?
 21 A The abuse I saw at Ringling Brothers.
 22 Q Of the elephants?

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1 A Yes, of the elephants. I'm sorry.
 2 Q And when you appeared at these press
 3 conferences, were you represented PAWS?
 4 A No. I was representing myself.
 5 Q Did you appear at these press conferences
 6 with other people associated with PAWS?
 7 A Yes.
 8 Q Who were those people?
 9 A It would have been Pat Derby. I am trying to
 10 think. It may have been Ed Stewart. But Pat was
 11 usually there with me.
 12 Q In the middle of this first full paragraph or
 13 the large paragraph beginning, "I want to thank you,"
 14 you make a reference to being on PAWS payroll. Do you
 15 see that?
 16 A Yes, in the middle paragraph?
 17 Q Right. It is the sentence that begins, but
 18 then, when you settled your lawsuit with Ringling.
 19 A Yes, okay. Ask the question again.
 20 Q The reference is to PAWS' payroll, being on
 21 PAWS payroll. And the question, sir, is other than
 22 what you have already testified to in terms of the

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1 grant and the housing, was there anything else you got
 2 from PAWS for being on their payroll?
 3 MS. MEYER: I am going to object to the
 4 question because you are confusing Mr. Rider. The
 5 sentence said that two other people told him that as
 6 long as he was on PAWS' payroll he could not do any
 7 media.
 8 BY MR. SIMPSON:
 9 Q Did you regard yourself as being on PAWS
 10 payroll?
 11 A No.
 12 Q Why not?
 13 A Because Pat Derby when I went up to the
 14 sanctuary she told me, I am going to send you your
 15 check for your expenses in the form of a check because
 16 it was 45 miles away.
 17 Q And you got such a check every two weeks --
 18 every week the entire time you were there?
 19 A I have to say I am not sure if it was over a
 20 week or week and a half.
 21 Q Let me ask you this. Did you declare the
 22 money you got from PAWS as income on your tax return?

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1 A No. That was a grant. No, I didn't.
 2 Q And I think I may asked this, but did you
 3 file an income tax for that year that you were at PAWS?
 4 A No.
 5 Q Were you in this -- this letter makes
 6 reference to the fact that you quit your security job
 7 at PAWS last week. And this letter is dated May 14,
 8 2001. So is it fair to say that you quit your security
 9 job at PAWS in the week of May 7, 2001?
 10 A It would have -- I would say, yes, I know
 11 that I was -- yes. I would say, yes.
 12 Q So up until the time you quit, you had that
 13 security job at PAWS; is that correct?
 14 A It was not a security job. It was to open
 15 the gate with the key. She put me in the motor home by
 16 a fence with a key and said, Would you open that for
 17 me.
 18 Q All right. Let's call that the gate-keeping
 19 job. Up until--
 20 A It is called a gate keeping without job.
 21 Q The gate-keeping function. Up until the time
 22 you quit, is it fair to say that you held that

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1 A They are my words.
 2 Q So did she take your words down? How did the
 3 affidavit come into being?
 4 A I am not sure if she wrote it down or had a
 5 recorder, but we were in the room.
 6 Q And it was typed and then provided for you to
 7 review?
 8 A Sometimes.
 9 Q And did you understand that when you signed
 10 it you were under oath?
 11 A Oh, yes, sir.
 12 Q And you were subject to the penalties of
 13 perjury when you signed it?
 14 A Sure.
 15 Q And was it your understanding that this was
 16 in connection -- this affidavit was in connection with
 17 an USDA investigation of Ringling Brothers and their
 18 treatment of elephants?
 19 A Was -- did I do this affidavit because --
 20 could you repeat the question?
 21 Q Was it your understanding at the time that
 22 this affidavit was prepared that the affidavit was

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1 gate-keeping function up until the time you quit in the
 2 week of May 7, 2001?
 3 A I was opening the gate up until that time.
 4 Q Okay.
 5 (Defendant's Exhibit No. 11, marked for
 6 identification.)
 7 BY MR. SIMPSON:
 8 Q Let me show you, sir, what we have marked as
 9 Defendant's Exhibit 11, which is the seven-page
 10 affidavit, Plaintiff's Bates numbers 04458 through
 11 04464. And it appears to have signatures at the bottom
 12 of each page. Do you recognize those signatures as
 13 yours, sir?
 14 A Oh, yes, sir.
 15 Q Do you recognize this as an affidavit that --
 16 let me ask you this. What were the circumstances in
 17 which this affidavit was prepared?
 18 A This affidavit was prepared when I spoke to
 19 Diane Ward at the United States Department of
 20 Agriculture in Sacramento.
 21 Q Are these words in this affidavit her words
 22 or your words?

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1 for -- was done in connection with an USDA
 2 investigation of Ringling Brothers treatment of Asian
 3 elephants?
 4 A No.
 5 Q What was your understanding the purpose of
 6 this affidavit was?
 7 A To start an investigation.
 8 Q And is it your understanding that such an
 9 investigation was started?
 10 A I have no idea what they are doing.
 11 Q But this was submitted -- did you submit this
 12 to her or did someone else submit it for you?
 13 A No. This affidavit --
 14 Q Yes.
 15 A Yeah, she was right.
 16 Q And you handed it to her?
 17 A Yeah.
 18 Q And it was your intent at the time, sir, was
 19 it not, that the USDA review your affidavit and
 20 investigate Ringling Brothers, correct?
 21 A It was -- I made the report to the USDA.
 22 Whatever the USDA could do with it, they do with it.

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1 that disclosed anywhere in there?

2 A No, it was -- I basically just remember.
3 There were so many incidences of abuse that to name
4 them it would take a few years. You know, it is very,
5 very complicated.

6 Q So you just remembered the Roy kicking
7 incident today?

8 A I remember that because I believe he quit
9 like a day later or so. This was -- we had employees
10 in and out.

11 Q But you just remembered that day?

12 A Maybe last night.

13 Q Within the last couple of days?

14 A Yeah.

15 Q That's recent?

16 A Uh-huh.

17 MR. SIMPSON: All right. I am going to pass
18 the witness at this time. However, as you know, I made
19 an objection as to how this deposition came. And I am
20 going to mark this as the next exhibit, which I faxed
21 over here yesterday. And then of course our
22 position -- this is Defendant's Exhibit 17. Our

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1 A Travel around the United States doing media,
2 speaking to conferences. If some groups have
3 conferences, I speak to congressmen. I speak to
4 senators, representatives -- House representatives in
5 different states. If I am -- if there is a bill before
6 that state, I go to that state and speak before the
7 public hearing that they have for such bills and
8 basically inform the public of the treatment of the
9 elephants.

10 Q Okay. And when you say inform the public
11 about the treatment of the elephants, are you speaking
12 only about the Ringling Brothers' elephants?

13 A I am speaking about the elephants at Ringling
14 Brothers and elephants in general of their treatment in
15 their -- treatment in captivity at some -- sometimes I
16 talk about why I don't think elephants should be in
17 captivity, something like that.

18 Q And when you spoke to Mr. Simpson about the
19 kinds of expenses that you have, I wanted to make sure
20 that you gave him a complete answer about that. And my
21 question is, are there other expenses involved in
22 performing the kinds of activities that you just

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1 position is that we can't complete the cross without
2 doing the other discovery we think we are entitled to
3 get. But subject to the objection stated in
4 Defendant's 17, I have completed the cross-examination
5 of this witness, subject to what we think we are going
6 to get to do later.

7 (Defendant's Exhibit No. 17, marked for
8 identification.)

9 MS. MEYER: Okay. And I need to take about a
10 five-minute break to collect my thoughts before I do my
11 redirect.

12 THE VIDEOGRAPHER: Going off record. The
13 time is 1622:06.

14 (A recess was held.)

15 THE VIDEOGRAPHER: Going back on the record.
16 The is 1642:39

17 FURTHER EXAMINATION BY COUNSEL
18 FOR THE PLAINTIFFS

19 BY MS. MEYER:

20 Q Mr. Rider, what is it that you do for the
21 Wildlife Advocacy Project in exchange for the grants
22 that you receive?

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1 described that require you to put money out of pocket?

2 A Well, it would be occasional motel or hotel.
3 The occasional once in a great while I get to go to a
4 movie or something like that, a small bit of
5 entertainment. Other than that, it is the normal
6 function as of everyday day to day.

7 Q How about if you have to make copies of
8 exhibits to hand out at a hearing? How would you pay
9 for that?

10 A I would pay that for out of pocket. If I had
11 to make copies of press releases or something like
12 that, obviously I would take it out of the money. Any
13 and all things.

14 Q Okay. And that money -- would that money
15 come from the grant money you received from the
16 Wildlife Advocacy Project?

17 A Yes.

18 Q What about if you have to mail a letter and
19 put postage on it? Where would that money come from?

20 A Grant money.

21 Q Do you ever have to take cabs in relationship
22 in terms of carrying out your public education

72 (Pages 282 to 285)

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1 activities on behalf of the Wildlife Advocacy Project?
 2 A In the first two and a half years, yes. More
 3 so than in the end.
 4 Q And when you had to take cabs, how did you
 5 pay for that?
 6 A Out of the expense money.
 7 Q And that would come out of the grant money
 8 for the --
 9 A Out of grant money.
 10 Q Let me finish my question, if you don't mind.
 11 That kind of expense would be paid out of the grant
 12 money from the Wildlife Advocacy Project as well?
 13 A Yes.
 14 Q And I would like to draw your attention to --
 15 I don't know the number of it. It is an exhibit that
 16 Mr. Simpson handed you. It is the May 14, 2001, letter
 17 that you sent to Pat Derby informing her that you were
 18 leaving or that you had left. I don't remember which
 19 exhibit number this is.
 20 A I found it. Exhibit 10.
 21 Q It's Exhibit 10.
 22 A Defense Exhibit 10.

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1 Q So referring to Defense Exhibit 10, and if
 2 you look again at the middle of that paragraph in the
 3 middle of the page that you were referring to when you
 4 gave testimony to Mr. Simpson, particularly the
 5 sentence that says, But then, when you settled your
 6 lawsuit with Ringling, you and Sharon told me that as
 7 long as I was on PAWS' payroll, I could not do any
 8 media against Ringling Brothers anymore.
 9 Do you see that sentence?
 10 A Yeah. Let me find it here. Right.
 11 Q Are you with me?
 12 A No, I can't find it yet. I am still looking.
 13 Q It is in the very middle of that paragraph.
 14 A Oh, But then. I found it. Sorry. Yes.
 15 Q If you could refer to that sentence. What is
 16 the reference to settling your lawsuit with Ringling?
 17 What does that mean?
 18 A The PAWS organization had a -- I believe they
 19 filed a lawsuit against Ringling Brothers for -- I am
 20 not sure what it was called. It was like a RICO Act or
 21 something. And there was an out-of-the-court
 22 settlement reached at which time Pat Derby said myself,

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1 Ed Stewart, and no employee of PAWS can ever speak out
 2 against Ringling Brothers.
 3 Q Were you a party to that lawsuit?
 4 A No, ma'am.
 5 Q Were you -- did you ever see any copy of that
 6 settlement that you are referring to?
 7 A No, ma'am.
 8 Q Did anyone ever ask you to review such a
 9 settlement?
 10 A No, ma'am.
 11 MR. SIMPSON: Object to the leading.
 12 THE WITNESS: Oh, sorry. No, ma'am.
 13 BY MS. MEYER:
 14 Q Did you ever sign any such settlement?
 15 A No.
 16 Q And in response to a question you had from
 17 Mr. Simpson, I believe you testified that in your view
 18 a beating of an elephant would require the use of two
 19 hands. And my question is, would it always require the
 20 use of two hands?
 21 A No. I believe at the time we were trying to
 22 differentiate between three things. And it would not

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1 always take two hands. But normally it was two hands
 2 on the head.
 3 Q Did you ever see a beating of an elephant
 4 with a bull hook where two hands was not used -- were
 5 not used?
 6 MR. SIMPSON: Object to the leading question.
 7 THE WITNESS: Yes.
 8 BY MS. MEYER:
 9 Q And can you describe or even show us what
 10 kind of action that was?
 11 A It was Pat Harned breaking a yellow
 12 fiberglass axe handle over the top of an elephant. I
 13 don't recall which one because they weren't chained up
 14 at the time. He broke the axe handle over his head.
 15 Q How did he break the axe handle over his
 16 head?
 17 A Taking it and striking it right on top of the
 18 head. They have like -- right on top of the head and
 19 it snapped the fiberglass handle.
 20 Q Were there other incidents where you saw a
 21 beating that did not require the use of two hands?
 22 MR. SIMPSON: Objection. Leading.