

EXHIBIT B

To Plaintiff Tom Rider's Motion for
A Protective Order
Civ. No. 03-2006 (EGS/JMF)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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.

Page 154

1 Q Let me have Plaintiff's Exhibit 4.
2 A **Did you say four?**
3 Q Four. I have got it in front of me. Just a
4 minute. I am going to direct you back where --
5 MS. MEYER: No, that's my four.
6 BY MR. SIMPSON:
7 Q Plaintiff's Four. And let me direct your
8 attention, sir, to page five. Now, this document, sir,
9 entitled Objections and Responses of Defendant's First
10 Set of Interrogatories to Plaintiff Tom Rider, what is
11 your understanding of what this is -- this document
12 generally?
13 A **This document is questions that the defense**
14 **asked me.**
15 Q And you provided answers; is that correct?
16 A **Yes.**
17 Q Who wrote these answers?
18 A **I did.**
19 Q How did you do that?
20 A **How did I do it?**
21 Q How did you do it?
22 A **Paper or did I -- I think I wrote it down on**

Page 155

1 **paper. I am not sure if I --**
2 MS. MEYER: I am going to object to the
3 extent that your answer would require you to divulge
4 any attorney/client communications that we had.
5 BY MR. SIMPSON:
6 Q Did you take the questions and write your
7 answers on a legal pad or piece of notebook paper with
8 a pencil or pen?
9 A **I believe so.**
10 Q And then you provided those answers to your
11 lawyers?
12 A **I can't remember if I sent them in. I**
13 **believe I either -- I believe I wrote them and sent**
14 **them or I -- at that time, I had an old laptop that**
15 **they gave me. But I could have done it on that and**
16 **E-mailed them. I am not real sure. It has been quite**
17 **a while ago. But I think I did it by hand.**
18 Q And that old laptop you indicated they had
19 provided you?
20 A **Yeah. It was a real old one.**
21 Q Who is they?
22 A **ASPCA. The screen broke.**

Page 156

1 Q The last page, excuse me, has a
2 verification. Is that your signature?
3 A **Yep.**
4 Q Is it your understanding that you made these
5 answers under oath?
6 A **Yeah, I guess -- yeah, it is an**
7 **interrogatory.**
8 Q And is it your understanding that the oath
9 that you took for the interrogatory answers is the same
10 oath you took today in this deposition?
11 A **Yeah.**
12 Q So you were subject to the penalty of perjury
13 when you drafted this interrogatory; is that correct?
14 A **Yeah.**
15 Q Excuse me. When you did this answer, you
16 understood that you were subject to the penalties of
17 perjury; is that right?
18 A **Yes.**
19 Q Let's go back to page five.
20 A **Okay.**
21 Q Now, the question, sir, was every job or
22 volunteer position you have held since you completed

Page 157

1 high school. Do you remember that question?
2 A **I believe so. Let me see. Yes, sir.**
3 Q Now, nowhere in here, sir, did you disclose
4 the fact that you were in the United States Army; is
5 that correct?
6 MS. MEYER: I am going to object to any
7 questions about Mr. Rider's military career on the
8 grounds that it is not relevant. It would require an
9 unwarranted invasion of his personal privacy. And I am
10 going to instruct him not to answer any questions about
11 his military career.
12 BY MR. SIMPSON:
13 Q All right. Are you going to follow that
14 instruction?
15 A **Yes, sir.**
16 MR. SIMPSON: Well, I am going ask them for
17 the record. You can instruct him not to answer.
18 BY MR. SIMPSON:
19 Q Is it true, sir, that you were in the Army
20 from October 1967 through July 1971?
21 MS. MEYER: I object and instruct you not to
22 answer.

Page 158

1 BY MR. SIMPSON:
2 Q Is it true, sir, that you were declared a
3 deserter by the United States Army?
4 MS. MEYER: I object and instruct you not to
5 answer.
6 BY MR. SIMPSON:
7 Q Is it true, sir, you were declared a deserter
8 by the United States Army on more than one occasion?
9 MS. MEYER: I object and instruct you not to
10 answer.
11 BY MR. SIMPSON:
12 Q Is it true, sir, that you were confined or
13 imprisoned as a result of being a deserter from the
14 Armed Forces of the United States?
15 MS. MEYER: I object and instruct you not to
16 answer.
17 BY MR. SIMPSON:
18 Q Is it true, sir, that at the time you entered
19 the Army, you were a senior in high school and had not
20 completed your high school education?
21 MS. MEYER: I object and instruct you not to
22 answer.

Page 159

1 BY MR. SIMPSON:
2 Q Is it true, sir, that you never completed
3 your high school education at Washington High School,
4 Illinois. Is that true?
5 A Yes.
6 Q And isn't it true that during the time period
7 during in which you stated in this interrogatory that
8 you got your high school diploma in 1970 you were a
9 deserter from the Armed Forces of the United States?
10 MS. MEYER: I object and instruct you not to
11 answer.
12 BY MR. SIMPSON:
13 Q Now, all of these instructions have been
14 made. You are going to follow them; is that correct?
15 A Yes, sir.
16 Q So when you say in your interrogatory answer
17 that you received your high school diploma in 1970,
18 that's untrue, is it not?
19 A No, sir. That's true.
20 Q It is true?
21 A Yes, sir.
22 Q How old were you in 1970?

Page 160

1 A Well, I would have been 20.
2 Q You graduated from high school when you were
3 20 years old?
4 A No, sir -- oh, yes -- well, yes, sir. But
5 you normally graduate at 18. But that's when I
6 received my high school diploma was in 1970.
7 Q And you received that when you were in the
8 Army; is that correct?
9 MS. MEYER: I am going to object and instruct
10 you not to answer the question.
11 MR. SIMPSON: Well, I think you have opened
12 the door on that one, but we will let the judge sort it
13 out.
14 BY MR. SIMPSON:
15 Q Are you going to follow that instruction?
16 A Yes, sir.
17 Q Do you have a diploma from Washington High
18 School or not?
19 A No, sir.
20 Q Did you attend that institution for four
21 years or not?
22 A No, sir.

Page 161

1 Q How many years did you attend that
2 institution?
3 A About two and a half, three -- two and a
4 half.
5 Q Is it correct that prior to obtaining
6 employment with Ringling Brothers at some point you had
7 held a job in a strip bar; is that correct?
8 MS. MEYER: I am going to object to that
9 question on the grounds of relevance, but I am not
10 going to instruct you not to answer.
11 THE WITNESS: I have got to think. Prior to
12 Ringling Brothers?
13 BY MR. SIMPSON:
14 Q Yes.
15 A Oh, yeah, yes, yes.
16 (Defendant's Exhibit No. 7, marked for
17 identification.)
18 BY MR. SIMPSON:
19 Q I show you what we have marked, sir, as
20 Defendant's Exhibit 7. This is a document with Bates
21 labelled Feld 0004826 to 4827 entitled Application for
22 Employment. Do you recognize this document, sir, as

1 one you signed on or about June 3, 1997?
 2 **A Yes, sir.**
 3 **Q** Are the contents of this document true to the
 4 best of your knowledge? Let's put it this way. The
 5 part that you put in here, are they true to the best of
 6 your knowledge?
 7 **A Sorry. I was reading in the wrong**
 8 **direction. Yes, sir. On this, yes, sir, except --**
 9 **well, the reason it says Washington High School, four**
 10 **years, is because I was always told that when you get a**
 11 **GED, that counts for your four years of high school.**
 12 **So I put -- when it says grade equivalent, I put four.**
 13 **Q** You really didn't mean to imply that you had
 14 actually gone to Washington High School?
 15 **A No, I wasn't implying I went to Washington**
 16 **High School. I was implying that I had the equivalent**
 17 **of four years. My high school that I attended was**
 18 **Washington High School.**
 19 **Q** I see.
 20 **A Just so we understand why that says that.**
 21 **Q** It states that your dates of service in the
 22 U.S. military were October '67 to October -- it looks

1 **A No.**
 2 **Q** Have you ever been convicted of a
 3 misdemeanor?
 4 **MS. MEYER:** I am going to object and instruct
 5 you not to answer that question.
 6 **BY MR. SIMPSON:**
 7 **Q** Are you going to follow that instruction?
 8 **A Yes, sir.**
 9 **Q** If we can go back to Plaintiff's Exhibit 4,
 10 interrogatory number seven, page 13 to 14. The
 11 question was any civil litigation to which you have
 12 been a party or testified. And you listed the case --
 13 well, the answer states, Other than the first case that
 14 was filed, Civil Action No. 00-1641 and this present
 15 litigation challenging Ringling's treatment of
 16 elephants under the Endangered Species Act, I have not
 17 been a party to or testified in any other civil
 18 litigation.
 19 Do you see that answer?
 20 **A Uh-huh.**
 21 **Q** Have I read that correctly?
 22 **A Number seven and the response?**

1 like '70 or '71. Which is the date?
 2 **MS. MEYER:** I am going to object and instruct
 3 you not to answer.
 4 **BY MR. SIMPSON:**
 5 **Q** Are you going to follow that instruction?
 6 **A Yes, sir.**
 7 **Q** A specialist for Army is what rank?
 8 **MS. MEYER:** I am going to object and instruct
 9 you not to answer that question.
 10 **BY MR. SIMPSON:**
 11 **Q** Are you going to follow that instruction?
 12 **A Yes, sir.**
 13 **Q** Have you ever been arrested for a felony?
 14 **MS. MEYER:** I am going to object to that
 15 question as well on the grounds of relevancy and state
 16 that Mr. Rider is -- I am instructing you not to answer
 17 any questions with respect to arrests. But he will
 18 answer questions with respect to felony convictions.
 19 **BY MR. SIMPSON:**
 20 **Q** Are you going to follow that instruction?
 21 **A Yes, sir.**
 22 **Q** Have you ever been convicted of a felony?

1 **Q** Yes.
 2 **A Yes, sir.**
 3 **Q** Is that a true statement?
 4 **A I want to correct one thing because years ago**
 5 **I had hit my head when I was driving a truck. And**
 6 **that's because I just now remembered this. We filed --**
 7 **it is like within 30 days it was settled. It was**
 8 **for -- I believe it was \$6,000 in damages for spraining**
 9 **my neck. And I was fired from the job of hauling**
 10 **pumpkins in Illinois. I did forget about that. So I**
 11 **apologize. So that litigation, yes.**
 12 **Q** That's the only one.
 13 **A The only one that I can recall, yes.**
 14 **Q** Were you a party to a case in 1989 that you
 15 filed in Illinois concerning the custody of your
 16 children?
 17 **MS. MEYER:** I am going to object to that
 18 question on the grounds that it is irrelevant and would
 19 invade -- constitute an unwarranted invasion of
 20 Mr. Rider's personal privacy and the privacy of his
 21 family. I instruct you not to answer.
 22 **BY MR. SIMPSON:**

Page 166

1 Q The question is, were you a party, not what
2 it was about. Were you a party to such a case?
3 MS. MEYER: I am going to object and instruct
4 you not to answer.
5 (Defendant's Exhibit No. 8, marked for
6 identification.)
7 BY MR. SIMPSON:
8 Q I show you, sir, what has been marked as
9 Defendant's Exhibit 8, which is a document entitled
10 Defendant's Affidavit in Support of Motion to Vacate.
11 And the question to you, sir, is are you the same Tom
12 E. Rider, who is listed as plaintiff petitioner in this
13 document?
14 MS. MEYER: I am going to object again on
15 relevance and privacy grounds and instruct you not to
16 answer that question.
17 BY MR. SIMPSON:
18 Q Are you going to follow that instruction?
19 A Yes, sir.
20 Q Were you a party to a case between you and
21 your former wife in the Circuit County of Osceola
22 County, Florida in 1989?

Page 167

1 MS. MEYER: I am going to object on relevance
2 and privacy grounds and instruct you not to answer that
3 question.
4 BY MR. SIMPSON:
5 Q Are you going to follow that instruction?
6 A Yes, sir.
7 (Defendant's Exhibit No. 9, marked for
8 identification.)
9 BY MR. SIMPSON:
10 Q I show you what has been marked as
11 Defendant's Exhibit 9, which is a document entitled
12 Amended Order Decreeing Jurisdiction. The question to
13 you, sir, is are you the same Tom E. Rider, who is
14 listed in the caption of this document as respondent
15 slash husband?
16 MS. MEYER: I am going to object on the
17 grounds of relevance and privacy and instruct you not
18 to answer that question.
19 BY MR. SIMPSON:
20 Q Are you going to follow that instruction,
21 sir?
22 A Yes, sir.

Page 168

1 Q Now, if I could turn your attention to the
2 time in which you worked for -- you have been using the
3 word Ringling Brothers. And we can use that -- the
4 circus.
5 A Okay. It is all entertainment. It doesn't
6 matter to me.
7 Q And focusing, sir, on your job duties when
8 you were at Feld Entertainment, okay. I take it your
9 tasks were to pick up the elephants' manure; is that
10 correct?
11 A One of them.
12 Q And when they urinated to pick that or deal
13 with that; is that right?
14 A Yes, sir.
15 Q To water them?
16 A When required to do so, yes.
17 Q And to feed them when you were directed to do
18 so; is that correct?
19 A Yes.
20 Q Now, is it your testimony that you did any of
21 those tasks totally on your own with no one else being
22 present with you and the elephant at the same time?

Page 169

1 MS. MEYER: I am going to object on the
2 grounds that it is a compound question.
3 BY MR. SIMPSON:
4 Q Was there ever a point in time, sir, when you
5 watered an elephant without being in the presence of
6 one of the elephant handlers?
7 A Oh, yes, sir.
8 Q When did that happen?
9 A On the train.
10 Q Was there ever a point, other than being on
11 the train, when the elephants were on the train -- put
12 that aside -- in which you watered an elephant without
13 a handler being present?
14 A Except for Karen, yes.
15 Q Was there ever a time in which you fed an
16 elephant other than on the train in which a handler was
17 not present?
18 A Yes.
19 Q When did that happen?
20 A Nightly.
21 Q This is when they were chained up for
22 nighttime activities?