

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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

**Plaintiffs,**

**v.**

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

**Defendants.**

**Case No. 1:03-CV-02006 (EGS/JMF)**

**FELD ENTERTAINMENT, INC.'S  
RESPONSE IN OPPOSITION TO PLAINTIFF TOM RIDER'S MOTION FOR A  
PROTECTIVE ORDER TO PROTECT HIS PERSONAL PRIVACY**

**EXHIBIT 1**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION	)
OF CRUELTY TO ANIMALS, <i>et al.</i> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
RINGLING BROTHERS AND BARNUM & BAILEY	)
CIRCUS, <i>et al.</i> ,	)
	)
Defendants.	)

Civ. No. 03-02006  
(EGS)

**OBJECTIONS AND RESPONSES TO DEFENDANTS’  
FIRST SET OF INTERROGATORIES TO PLAINTIFF TOM RIDER**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff Tom Rider hereby offers the following objections and responses to Defendants’ First Set of Interrogatories to him.

**DEFINITIONS**

1. As used herein, “irrelevant” means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

**GENERAL OBJECTIONS**

1. Mr. Rider’s general objections, as set forth herein, are to be considered continuing objections and responses to the specific Interrogatories that follow, even if not referred to in the objection and response to a specific Interrogatory. Mr. Rider’s objections and responses given herein shall not be construed to waive or preclude any objections he may later assert.

2. Mr. Rider objects to each Definition and Instruction and each Interrogatory to the extent that it is vague, ambiguous, overly broad, unduly burdensome, or seek irrelevant information.

3. Mr. Rider objects to each Definition and Instruction and each Interrogatory to the extent that it seeks to impose obligations on him beyond the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

4. Mr. Rider objects to each Definition and Instruction and each Interrogatory to the extent that it seeks information protected against disclosure by the attorney-client privilege, the work-product doctrine, or any other privilege, immunity, doctrine, or rule of confidentiality. Mr. Rider further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate the privacy or other rights of individuals or himself.

5. In responding to these Interrogatories, Mr. Rider does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, Mr. Rider does not concede by responding that the information sought or produced is relevant to the subject matter of this action or is calculated to lead to the discovery of admissible evidence. Mr. Rider expressly reserves the right to object to further discovery into the subject matter of these Interrogatories and the right to object to the introduction into evidence of any of the information provided in response to the Interrogatories.

6. Although Mr. Rider has exercised due diligence in responding to the Interrogatories, without waiving the foregoing objections or the specific objections set forth in the responses to particular requests, Mr. Rider reserves the right to amend or supplement his

responses and objections to the Interrogatories if additional or different responsive information is discovered during discovery or otherwise hereafter.

7. Although Mr. Rider has exercised due diligence in responding to the Interrogatories, and has answered them to the best of his recollection, without waiving the foregoing objections or the specific objections set forth in the responses to particular interrogatories, there may be instances in which Mr. Rider used an incorrect name or other identifying information with respect to particular individuals or animals involved in a particular incident that did occur, or he used an incorrect date to describe a particular incident that did occur.

#### **SPECIFIC OBJECTIONS TO DEFINITIONS**

1. Mr. Rider objects to the definition of “describe” to the extent it seeks to impose discovery obligations exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information.

2. Mr. Rider objects to the definition of “identify” to the extent it seeks to impose discovery obligations on him exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information. In particular, where a business address is available for an individual identified, Mr. Rider objects to the instruction to provide a home address on the grounds that it invades personal privacy rights and seeks overly broad and irrelevant information.

**RESPONSES**

**Interrogatory No. 1:**

Describe each and every job or volunteer position you have held with defendants.

**Response to Interrogatory No. 1:**

I was employed with Ringling Brothers from June 3, 1997 until November 25, 1999. I was hired to clean up around the elephants. After a few months, I took over the job of afternoon barn man, working from 3:30-10:30 cleaning up after the elephants and making sure they were fed. Nobody gets near the elephants, and, as Randy Peterson, my Superintendent, told me, as ordered from Ringling Brothers, I was not to take my eyes off the elephants, so I did not. I cleaned up around the elephants. I watched them approximately 8 sometimes 7 or 9 hours a day, sometimes all night depending on whether the other barn man showed up for work to relieve me. Basically my job was watching the elephants and cleaning up after them. My superintendent at the time I was hired was Graham Thomas Chipperfield. I also worked with Randy Peterson who took over Graham Chipperfield's position after Graham shot and killed the tiger Barney in St. Petersburg Florida and had to quit the circus. Randy Peterson took over, and at that point he became superintendent of the elephants. A little later, we were in Philadelphia and Adam Hill joined the circus. He was hired to be Randy's assistant – to be in charge of the barn before he was hired to actually present the elephants during the performances.

**Interrogatory No. 2:**

Describe each and every job or volunteer position you have held since you completed high school (or, if you never completed high school, since your last year of schooling) that you did not describe in response to the previous interrogatory.

**Objections and Response to Interrogatory No. 2:**

Mr. Rider objects to this Interrogatory on the grounds that it seeks information that is irrelevant because it has no bearing on Mr. Rider's knowledge about or experiences with the circus community, and because it is overly broad, unduly burdensome, and oppressive, because Mr. Rider cannot recall every job or volunteer position that he has held since he completed high school and the names of his supervisors for every such position and job. Mr. Rider further objects to this Interrogatory on the ground that it seeks privileged information that is protected by his right to privacy. Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider answers this Interrogatory as follows:

I received my high school diploma in 1970. I then went to work for Caterpillar Tractor Co., as a chip wheeler, and worked the third, "grave yard" shift. I don't remember my supervisor's name. I quit Caterpillar after 7 months because they wouldn't change my job and I was union and I didn't want to clean out the machines. I got married in 1971, and worked at Baker Shoes in Sheraton Village selling women's shoes for a few months. After I got married, we had a child a year later, and shortly after that we left for California, and my wife worked for five years until 1978 when I got a job for Universal Studios, on the crew that was filming Centennial the mini series in Colorado. My supervisor was KT Ende, the assistant director. I was a glorified extra. I was also a railway porter at Centennial and did quite a few other jobs there. In 1980, I went to work for Pick Up Inc. Garbage Co, in Washington, IL, my supervisor was Lionel Shunt. After that, I believe I started work at Rider Trucking in 1981. At the end of 1980 or 81 I had my own truck, and in 1987 I quit driving trucks. In 1987-89 my wife worked, we had three kids at the time and I was taking care of them. In 1989, I worked at Walt Disney

World Epcot Center, as the third shift custodial host, I believe my supervisor's name was Greg. That was the first time I ever worked around elephants. They had them in back of the American Pavilion and I got over a few nights during lunch and tried to help clean up and look after them. I only worked there a short time because it was too far to go back and forth to work and it was very hard on my family. From 1990-95 my wife worked again and I stayed home and took care of the kids, and did some home schooling. In 1995, I got divorced, went and lived with my daughter for a while, and traveled. In 1997, I joined the Clyde Beatty Cole Brother Circus and worked for Brad Jewel. I started in Myrtle Beach, SC on Easter Sunday, and worked with that circus for 42 towns up to White Plains, NY. I quit in White Plains, NY after I saw them mistreat the elephant Pete. I went to work for Ringling Brothers and Barnum & Bailey Circus on June 3, 1997. During Winter Quarters, 1999, I got the opportunity to accompany three of the elephants I had worked with and become close to – Kamala, Meena, and Lechme – to Europe with Daniel Raffo who was working for Dick Chipperfield, Graham's father. Daniel paid me to help take care of the elephants. I worked for him until March, 2000. I quit because of the way Raffo and others who worked for the Chipperfields continued to mistreat the elephants. Since then, I have primarily been traveling around the country speaking out about the way elephants are mistreated in the circuses, and I have done some selling of crafts at flea markets.

**Interrogatory No. 3:**

Describe any training or experience you have in the treatment of Asian elephants, including but not limited to the use of an ankus or tethering Asian elephants, and describe that training or experience, including the employer that required you to take such training, if any.

**Response to Interrogatory No. 3:**

My first experience with elephants was at Disney World, as described above. I was just

the end of March, 2000 and talked to Pat Derby and Ed Stewart about what I had seen at Ringling. I stayed in California, about a year, until February, 2001, helping PAWS with their elephant campaign. From February, 2001 to the present, I have spoken with people who worked for the ASPCA, Fund for Animals, the Animal Welfare Institute, In Defense of Animals, Last Chance for Animals, People for the Ethical Treatment of Animals, the Elephant Alliance, the Elephant Sanctuary, and some other groups I can't recall right now. In addition, during the same period of time, I had many conversations with individuals with grassroots groups all over the United States, including, for example, Citizens for a Cruelty Free Circus in California, Compassion In Entertainment in Connecticut, the Lehigh Valley Animal Rights Coalition in Pennsylvania, and other groups that I do not know or recall the names of, and I always tell them about my experiences with the circus. There are a lot a lot of individual animal rights advocates all over the US that I have run into. They know me because I'm speaking out for the elephants. Some more specific information in response to this Interrogatory is contained in the documents that I am producing in response to the Document Production Request that I and the other plaintiffs received. In addition, for more details about the general substance of these communications please refer to my answers to Interrogatories Nos. 9, 10, 11, 12, 13, and 14 below.

**Interrogatory No. 5:**

Describe every communication you have had regarding defendants with any members of the press or at any lectures, conferences, or seminars.

**Objections and Response to Interrogatory No. 5:**

Mr. Rider objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive because Mr. Rider has had numerous communications regarding



defendants with members of the press, and cannot possibly recall each such communication.

Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr.

Rider answers this Interrogatory as follows:

I testified in Congress on June 12, 2000, about the Elephant Accident Prevention Act. After that I spoke in Washington, D.C., at American University to the students there, I spoke to some students in Carbondale, IL, and UCLA Law School. I do not remember the precise dates or the names of the conferences.

As far as communicating with the press, from March, 2000 to the present, I have had many conversations with members of the press about what I witnessed at Ringling; those conversations are too numerous to describe. For example, every time that I would go into a TV station and approach a production editor, assignment editor, news person or any person of that nature, I would tell them that I have information about my experiences at the circus, and they would usually take my name and say they would call me back. Sometimes I would leave a videotape, sometimes they would interview me on the spot because they knew who I was and they were waiting for me. I would come in there with video tapes of Ringling Brothers' employees smacking baby elephants on the trunk and stabbing them in the side with the bull hooks things like I saw every single day. I would tell them how Benjamin was beaten by Pat Harned and that, according to the USDA, Benjamin was killed by Harned poking him with an ankus. I would tell the media just exactly what I tell animal rights advocates – what I saw, the hitting, chaining, everything else.

I am producing documents concerning my media contacts, and some of the specific information requested by this Interrogatory will be reflected in those documents, which is hereby

incorporated by reference. The other co-plaintiffs are submitting additional documents concerning media coverage, and they will contain additional information that may be responsive to this Interrogatory, and that information is also hereby incorporated by reference. We are also producing videotapes, which include many of the media interviews that I did, and that information is also incorporated by reference.

In addition, below is a partial list of media and other public speaking that I have done on this subject, that I can recall by consulting Ringling's itineraries:

- June, 2001 - Phoenix, AZ - radio and newspaper
- April, 2002 - Philadelphia, PA - newspaper
- April, 2002 - Washington, D.C. - Washington Post
- April, 2002 - Providence, RI - radio, twice;  
NE News Channel, NBC; CBS
- June, 2002 - Phoenix, AZ - NBC; CBS
- July, 2002 - San Antonio, TX - Channel 4 (NBC)
- July, 2002 - Dallas, TX - radio
- Aug, 2001 - San Diego, CA - CBS; US Independent Station (Channel 51 or 52)
- Aug, 2002 - San Diego, CA - Fox 2002
- Aug, 2002 - Oakland, CA - radio KGO  
Channel 11;  
CBS; ABC radio;  
NBC nightly news;  
ABC nightly news with Peter Jennings;  
CNN headline news;  
CNN primetime news;  
NBC Today show
- Oct, 2002 - Cleveland, OH - CBS; ABC
- Nov, 2001 - Pittsburgh, PA - Channel 4
- 2001 - Los Angeles, CA - Kcal Channel 9; CBS; NBC; ABC; Fox; Telemundo;  
3 radio stations: including ABC nationwide  
LA Times
- 2001, 2002 - San Francisco, CA - Newspapers: San Jose Mercury, San Mateo Times
- 2002 - Chicago, Ill. - ABC
- 2001 - Peoria, IL: ABC, CBS, NBC, General Star
- 2000 - Madison, WI - CBS
- 2001 - Tulsa, OK - Channel 6
- 2000 - Oklahoma City, OK - NBC and CBS
- 2002 - Jackson, Mississippi - NBC and CBS

- 7/16/03 - LA Media: Los Angeles - Fox News network; KCAL (Channel 9); Telamundo
- 7/17/03 - Long Beach City Council; covered by local Long Beach paper
- 8/22/03 - San Francisco - interviewed by CBS (Channel 5); Interviewed by - Santa Meteo Times;
- 9/4/03 - Peoria, Ill.- interviewed by Channel 25 (NBC); WRAU - Channel 19;
- 9/23/03 - Manchester, NH: Linda Dionne, "New Hampshire Animal Rights" - did cable show ;
- 10/24/03 - Bridgeport, Ct - one-hour live talk radio show - "Citizen Smith" (WICC);
- 10/27-28/03 - Harrisburg, Pennsylvania: working with the Lehigh Valley Animal Rights Coalition - featured speaker at Capital Rotunda for rally;
- 10/30/03 - Manchester, New Hampshire, Exclusive NBC Report.

**Interrogatory No. 6:**

State whether you have ever been arrested for, charged with, or convicted of a crime. If you have been arrested for, charged with, or convicted of a crime, for each arrest, charge, or conviction, describe the incident for which you were arrested, charged, or convicted and provide the jurisdiction of the arrest, charge, or conviction, and/or plea; the offense(s) for which you were arrested and/or charged; the offense(s) to which you pled guilty or of which you were convicted; the disposition of any other charges against you; the sentence, incarceration, or other form of punishment imposed on you; and the date of each arrest, conviction, plea, punishment, incarceration, or other disposition.

**Objection and Response to Interrogatory No. 6:**

Mr. Rider objects to this Interrogatory on the ground that it is overly broad, seeks irrelevant information, is vexatious, and seeks to invade his personal privacy. Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider states that he has never been convicted of a felony.

**Interrogatory No. 7:**

Identify any civil litigation to which you have been a party or have testified, whether in the United States or abroad, including without limitation the parties to the case, the attorneys who represented any of the parties, whether you were a plaintiff or a defendant, the jurisdiction in which the case was filed, the causes of action asserted in the case, the allegations in the case, and the disposition of the case.

**Response to Interrogatory No. 7:**

Other than the first case that was filed, Civ. No. 00-1641, and this present litigation

challenging Ringling's treatment of elephants under the Endangered Species Act, I have not been a party to or testified in any other civil litigation.

**Interrogatory No. 8:**

Identify any person who you or the other plaintiffs expect to call as a witness in this case, and state the subject and substance of their expected testimony.

**Objection and Response to Interrogatory No. 8:**

Subject to and without waiving the general objections to these Interrogatories, with one exception, I and the other plaintiffs have not yet determined which persons we expect to call as witnesses in this case.

The one exception is that plaintiffs expect to call me as a witness in this case. I will testify about the mistreatment of elephants that I witnessed while I worked at Ringling Brothers, and the mistreatment I have observed since I left Ringling Brothers. More specifics about the substance of my testimony are provided in the answers to Interrogatory Nos. 9, 11, 12, 14, 17, 18, and 19 below, which I hereby incorporate by reference.

**Interrogatory No. 9:**

State the date on which you first became aware of defendants' alleged mistreatment of Benjamin, and describe each incident thereafter in which you contend that Benjamin was mistreated.

**Response to Interrogatory No. 9:**

I first became aware of Ringling's mistreatment of Benjamin right after Winter Quarters, 1997 – end of December, 1997, beginning of January, 1998. I had started noticing that just about every day when Benjamin would play around with Shirley like a male and female elephant would play, Pat Harned would come out and start yelling at Benjamin to stop and sometimes Benjamin would stop and sometimes he would not and the next thing you know, Pat Harned would start

for this information, which I hereby incorporate by reference.

**Interrogatory No. 23:**

Describe each occasion since you left defendants' employ in which you have sought employment or volunteered your services to work with animals, and whether you secured the position you sought. If you did not secure the position and were given a reason for your rejection, provide that reason.

**Response to Interrogatory No. 23:**

None.

**Interrogatory No. 24:**

Identify all income, funds, compensation, other money or items, including, without limitation, food, clothing, shelter, or transportation, you have ever received from any animal advocate or animal advocacy organization. If the money or items were given to you as compensation for services rendered, describe the service rendered and the amount of compensation.

**Objection and Response to Interrogatory No. 24:**

Mr. Rider objects to this interrogatory on the grounds that it seeks information that is irrelevant, oppressive, and vexatious. Mr. Rider further objects to this Interrogatory on the ground that it seeks privileged information that is protected by his right to privacy and would infringe on his freedom of association. Subject to and without waiving the foregoing or general objections to these Interrogatories, and subject to a confidentiality agreement, Mr. Rider would be willing to provide defendants with the answer to the first sentence of this Interrogatory.

Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider provides the following answer to the second sentence of this interrogatory: I have not received any such compensation.

**Interrogatory No. 25:**

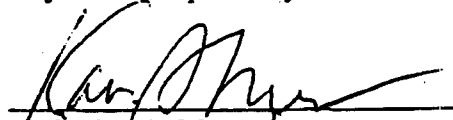
Describe the subject and substance of the testimony that would be given by each person

identified in the initial disclosures.

**Objection and Response to Interrogatory No. 25:**

Mr. Rider objects to this Interrogatory on the ground that the plaintiffs have already provided this information with their initial disclosures, and to provide further details at this point would reveal the work product of his attorneys. Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider states that the subject and substance of the testimony that he will be giving is provided in the answers to the above Interrogatories.

Objections respectfully submitted by:



Katherine A. Meyer  
(D.C. Bar No. 244301)  
Eric R. Glitzenstein  
(D.C. Bar No. 358287)  
Kimberly D. Ockene  
(D.C. Bar No. 461191)

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Date: June 9, 2004

**VERIFICATION**

CITY OF *San Marcos* )  
COUNTY OF *San Diego* )  
STATE OF CALIFORNIA )

TOM RIDER, being duly sworn, says:

I am a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff Tom Rider and know the contents thereof; and, upon information and belief, said Objections and Responses are true and correct.

*[Handwritten Signature]*  
\_\_\_\_\_  
TOM RIDER

Sworn to before me this  
*03<sup>rd</sup>* day of *June*, 2004

*[Handwritten Signature]*

\_\_\_\_\_  
Notary Public



My Commission Expires:

*10-28-2007*