



Washington, DC

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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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.	:	

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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.

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.

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

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?

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?

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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?

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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?

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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

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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

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

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:

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?

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 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 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 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 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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<p>1 Q Let me have Plaintiff's Exhibit 4.</p> <p>2 A Did you say four?</p> <p>3 Q Four. I have got it in front of me. Just a</p> <p>4 minute. I am going to direct you back where --</p> <p>5 MS. MEYER: No, that's my four.</p> <p>6 BY MR. SIMPSON:</p> <p>7 Q Plaintiff's Four. And let me direct your</p> <p>8 attention, sir, to page five. Now, this document, sir,</p> <p>9 entitled Objections and Responses of Defendant's First</p> <p>10 Set of Interrogatories to Plaintiff Tom Rider, what is</p> <p>11 your understanding of what this is -- this document</p> <p>12 generally?</p> <p>13 A This document is questions that the defense</p> <p>14 asked me.</p> <p>15 Q And you provided answers; is that correct?</p> <p>16 A Yes.</p> <p>17 Q Who wrote these answers?</p> <p>18 A I did.</p> <p>19 Q How did you do that?</p> <p>20 A How did I do it?</p> <p>21 Q How did you do it?</p> <p>22 A Paper or did I -- I think I wrote it down on</p>	<p>1 Q The last page, excuse me, has a</p> <p>2 verification. Is that your signature?</p> <p>3 A Yep.</p> <p>4 Q Is it your understanding that you made these</p> <p>5 answers under oath?</p> <p>6 A Yeah, I guess -- yeah, it is an</p> <p>7 interrogatory.</p> <p>8 Q And is it your understanding that the oath</p> <p>9 that you took for the interrogatory answers is the same</p> <p>10 oath you took today in this deposition?</p> <p>11 A Yeah.</p> <p>12 Q So you were subject to the penalty of perjury</p> <p>13 when you drafted this interrogatory; is that correct?</p> <p>14 A Yeah.</p> <p>15 Q Excuse me. When you did this answer, you</p> <p>16 understood that you were subject to the penalties of</p> <p>17 perjury; is that right?</p> <p>18 A Yes.</p> <p>19 Q Let's go back to page five.</p> <p>20 A Okay.</p> <p>21 Q Now, the question, sir, was every job or</p> <p>22 volunteer position you have held since you completed</p>
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<p>1 paper. I am not sure if I --</p> <p>2 MS. MEYER: I am going to object to the</p> <p>3 extent that your answer would require you to divulge</p> <p>4 any attorney/client communications that we had.</p> <p>5 BY MR. SIMPSON:</p> <p>6 Q Did you take the questions and write your</p> <p>7 answers on a legal pad or piece of notebook paper with</p> <p>8 a pencil or pen?</p> <p>9 A I believe so.</p> <p>10 Q And then you provided those answers to your</p> <p>11 lawyers?</p> <p>12 A I can't remember if I sent them in. I</p> <p>13 believe I either -- I believe I wrote them and sent</p> <p>14 them or I -- at that time, I had an old laptop that</p> <p>15 they gave me. But I could have done it on that and</p> <p>16 E-mailed them. I am not real sure. It has been quite</p> <p>17 a while ago. But I think I did it by hand.</p> <p>18 Q And that old laptop you indicated they had</p> <p>19 provided you?</p> <p>20 A Yeah. It was a real old one.</p> <p>21 Q Who is they?</p> <p>22 A ASPCA. The screen broke.</p>	<p>1 high school. Do you remember that question?</p> <p>2 A I believe so. Let me see. Yes, sir.</p> <p>3 Q Now, nowhere in here, sir, did you disclose</p> <p>4 the fact that you were in the United States Army; is</p> <p>5 that correct?</p> <p>6 MS. MEYER: I am going to object to any</p> <p>7 questions about Mr. Rider's military career on the</p> <p>8 grounds that it is not relevant. It would require an</p> <p>9 unwarranted invasion of his personal privacy. And I am</p> <p>10 going to instruct him not to answer any questions about</p> <p>11 his military career.</p> <p>12 BY MR. SIMPSON:</p> <p>13 Q All right. Are you going to follow that</p> <p>14 instruction?</p> <p>15 A Yes, sir.</p> <p>16 MR. SIMPSON: Well, I am going ask them for</p> <p>17 the record. You can instruct him not to answer.</p> <p>18 BY MR. SIMPSON:</p> <p>19 Q Is it true, sir, that you were in the Army</p> <p>20 from October 1967 through July 1971?</p> <p>21 MS. MEYER: I object and instruct you not to</p> <p>22 answer.</p>

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<p>1 BY MR. SIMPSON:</p> <p>2 Q Is it true, sir, that you were declared a</p> <p>3 deserter by the United States Army?</p> <p>4 MS. MEYER: I object and instruct you not to</p> <p>5 answer.</p> <p>6 BY MR. SIMPSON:</p> <p>7 Q Is it true, sir, you were declared a deserter</p> <p>8 by the United States Army on more than one occasion?</p> <p>9 MS. MEYER: I object and instruct you not to</p> <p>10 answer.</p> <p>11 BY MR. SIMPSON:</p> <p>12 Q Is it true, sir, that you were confined or</p> <p>13 imprisoned as a result of being a deserter from the</p> <p>14 Armed Forces of the United States?</p> <p>15 MS. MEYER: I object and instruct you not to</p> <p>16 answer.</p> <p>17 BY MR. SIMPSON:</p> <p>18 Q Is it true, sir, that at the time you entered</p> <p>19 the Army, you were a senior in high school and had not</p> <p>20 completed your high school education?</p> <p>21 MS. MEYER: I object and instruct you not to</p> <p>22 answer.</p>	<p>1 A Well, I would have been 20.</p> <p>2 Q You graduated from high school when you were</p> <p>3 20 years old?</p> <p>4 A No, sir -- oh, yes -- well, yes, sir. But</p> <p>5 you normally graduate at 18. But that's when I</p> <p>6 received my high school diploma was in 1970.</p> <p>7 Q And you received that when you were in the</p> <p>8 Army; is that correct?</p> <p>9 MS. MEYER: I am going to object and instruct</p> <p>10 you not to answer the question.</p> <p>11 MR. SIMPSON: Well, I think you have opened</p> <p>12 the door on that one, but we will let the judge sort it</p> <p>13 out.</p> <p>14 BY MR. SIMPSON:</p> <p>15 Q Are you going to follow that instruction?</p> <p>16 A Yes, sir.</p> <p>17 Q Do you have a diploma from Washington High</p> <p>18 School or not?</p> <p>19 A No, sir.</p> <p>20 Q Did you attend that institution for four</p> <p>21 years or not?</p> <p>22 A No, sir.</p>
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<p>1 BY MR. SIMPSON:</p> <p>2 Q Is it true, sir, that you never completed</p> <p>3 your high school education at Washington High School,</p> <p>4 Illinois. Is that true?</p> <p>5 A Yes.</p> <p>6 Q And isn't it true that during the time period</p> <p>7 during in which you stated in this interrogatory that</p> <p>8 you got your high school diploma in 1970 you were a</p> <p>9 deserter from the Armed Forces of the United States?</p> <p>10 MS. MEYER: I object and instruct you not to</p> <p>11 answer.</p> <p>12 BY MR. SIMPSON:</p> <p>13 Q Now, all of these instructions have been</p> <p>14 made. You are going to follow them; is that correct?</p> <p>15 A Yes, sir.</p> <p>16 Q So when you say in your interrogatory answer</p> <p>17 that you received your high school diploma in 1970,</p> <p>18 that's untrue, is it not?</p> <p>19 A No, sir. That's true.</p> <p>20 Q It is true?</p> <p>21 A Yes, sir.</p> <p>22 Q How old were you in 1970?</p>	<p>1 Q How many years did you attend that</p> <p>2 institution?</p> <p>3 A About two and a half, three -- two and a</p> <p>4 half.</p> <p>5 Q Is it correct that prior to obtaining</p> <p>6 employment with Ringling Brothers at some point you had</p> <p>7 held a job in a strip bar; is that correct?</p> <p>8 MS. MEYER: I am going to object to that</p> <p>9 question on the grounds of relevance, but I am not</p> <p>10 going to instruct you not to answer.</p> <p>11 THE WITNESS: I have got to think. Prior to</p> <p>12 Ringling Brothers?</p> <p>13 BY MR. SIMPSON:</p> <p>14 Q Yes.</p> <p>15 A Oh, yeah, yes, yes.</p> <p>16 (Defendant's Exhibit No. 7, marked for</p> <p>17 identification.)</p> <p>18 BY MR. SIMPSON:</p> <p>19 Q I show you what we have marked, sir, as</p> <p>20 Defendant's Exhibit 7. This is a document with Bates</p> <p>21 labelled Feld 0004826 to 4827 entitled Application for</p> <p>22 Employment. Do you recognize this document, sir, as</p>

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<p>1 one you signed on or about June 3, 1997?</p> <p>2 A Yes, sir.</p> <p>3 Q Are the contents of this document true to the</p> <p>4 best of your knowledge? Let's put it this way. The</p> <p>5 part that you put in here, are they true to the best of</p> <p>6 your knowledge?</p> <p>7 A Sorry. I was reading in the wrong</p> <p>8 direction. Yes, sir. On this, yes, sir, except --</p> <p>9 well, the reason it says Washington High School, four</p> <p>10 years, is because I was always told that when you get a</p> <p>11 GED, that counts for your four years of high school.</p> <p>12 So I put -- when it says grade equivalent, I put four.</p> <p>13 Q You really didn't mean to imply that you had</p> <p>14 actually gone to Washington High School?</p> <p>15 A No, I wasn't implying I went to Washington</p> <p>16 High School. I was implying that I had the equivalent</p> <p>17 of four years. My high school that I attended was</p> <p>18 Washington High School.</p> <p>19 Q I see.</p> <p>20 A Just so we understand why that says that.</p> <p>21 Q It states that your dates of service in the</p> <p>22 U.S. military were October '67 to October -- it looks</p>	<p>1 A No.</p> <p>2 Q Have you ever been convicted of a</p> <p>3 misdemeanor?</p> <p>4 MS. MEYER: I am going to object and instruct</p> <p>5 you not to answer that question.</p> <p>6 BY MR. SIMPSON:</p> <p>7 Q Are you going to follow that instruction?</p> <p>8 A Yes, sir.</p> <p>9 Q If we can go back to Plaintiff's Exhibit 4,</p> <p>10 interrogatory number seven, page 13 to 14. The</p> <p>11 question was any civil litigation to which you have</p> <p>12 been a party or testified. And you listed the case --</p> <p>13 well, the answer states, Other than the first case that</p> <p>14 was filed, Civil Action No. 00-1641 and this present</p> <p>15 litigation challenging Ringling's treatment of</p> <p>16 elephants under the Endangered Species Act, I have not</p> <p>17 been a party to or testified in any other civil</p> <p>18 litigation.</p> <p>19 Do you see that answer?</p> <p>20 A Uh-huh.</p> <p>21 Q Have I read that correctly?</p> <p>22 A Number seven and the response?</p>
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<p>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?</p>	<p>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?</p>
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<p>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.</p>	<p>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?</p>

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<p>1 A That's what I saw.</p> <p>2 Q Now, you indicated, I think, that Karen was</p> <p>3 rattling her chain; is that right?</p> <p>4 A Yes.</p> <p>5 Q Now, isn't it true that when an elephant</p> <p>6 rattles their chain, usually it is because she wants to</p> <p>7 be fed?</p> <p>8 MS. MEYER: I am going to object to that</p> <p>9 question on the grounds that it requires speculation.</p> <p>10 BY MR. SIMPSON:</p> <p>11 Q Well, in your experience, I mean, haven't you</p> <p>12 seen elephants when they rattle their chain they want</p> <p>13 more hay?</p> <p>14 A No.</p> <p>15 Q You have never seen that?</p> <p>16 A No.</p> <p>17 Q The English elephants, that wasn't one of</p> <p>18 their characteristics?</p> <p>19 A Their characteristic was rattle it all the</p> <p>20 time.</p> <p>21 Q But is it your testimony that Meena, the</p> <p>22 English -- the elephant from England never rattled her</p>	<p>1 supposed to know what they do and what their</p> <p>2 characteristics are.</p> <p>3 MS. MEYER: Well, that's -- I also object to</p> <p>4 your testimony that you just gave.</p> <p>5 BY MR. SIMPSON:</p> <p>6 Q Can you answer the question?</p> <p>7 A When -- if Karen rattles her chain, she was</p> <p>8 doing it because of what he was doing to Benjamin. Pat</p> <p>9 Harned hated anybody that -- as soon as they would</p> <p>10 rattle their chains, he hated it. As far as Meena or</p> <p>11 Lechme or Kamala rattling their chain or Susan, Lutze,</p> <p>12 any of them, they rattled their chain because they were</p> <p>13 bored, not because -- sometimes they wanted some more,</p> <p>14 sometimes that would see me coming with the hay, they</p> <p>15 would rattle them. But they are just standing there</p> <p>16 and chained up. They have got nothing to do but rattle</p> <p>17 chains. And that's why it made Pat Harned so mad.</p> <p>18 Q And you know this because of what you</p> <p>19 observed or what someone told you?</p> <p>20 A I'm sorry. Because of what I observed.</p> <p>21 Q Is it your view that there is no appropriate</p> <p>22 use of the bull hook on an Asian elephant?</p>
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<p>1 chain because she wanted to be fed more?</p> <p>2 MS. MEYER: I object to your characterization</p> <p>3 of his testimony.</p> <p>4 MR. SIMPSON: I am asking him what his</p> <p>5 testimony is now.</p> <p>6 MS. MEYER: That's different.</p> <p>7 BY MR. SIMPSON:</p> <p>8 Q Is that your testimony? Are you telling me</p> <p>9 that --</p> <p>10 A As I recall --</p> <p>11 MS. MEYER: Let him ask the question.</p> <p>12 BY MR. SIMPSON:</p> <p>13 Q Are you telling me that she did not rattle</p> <p>14 her chain because she wanted to be fed?</p> <p>15 A No.</p> <p>16 Q That Lechme did not rattle her chain because</p> <p>17 she wanted to be fed?</p> <p>18 MS. MEYER: And, again, I am going to object</p> <p>19 on the grounds that it requires Tom Rider to be</p> <p>20 speculating about why the elephants were rattling their</p> <p>21 chains.</p> <p>22 MR. SIMPSON: Well, if he knows. He is</p>	<p>1 A In my opinion?</p> <p>2 Q I am not sure there is a difference.</p> <p>3 A Okay. All right. My opinion is, no, there</p> <p>4 is no safe way to use a bull hook on an Asian elephant</p> <p>5 or an African or any of them.</p> <p>6 Q So if you have an elephant in a circus parade</p> <p>7 who starts to run, how are they supposed to stop that</p> <p>8 elephant from running?</p> <p>9 A Same thing I said in Chicago, with a gun.</p> <p>10 Q Not using a bull hook?</p> <p>11 A With a gun. I am sorry.</p> <p>12 Q And it would take a pretty big gun, right?</p> <p>13 A It is up to them.</p> <p>14 Q I mean, but they could shoot an elephant with</p> <p>15 a gun. And it would require a large caliber weapon; is</p> <p>16 that correct?</p> <p>17 MS. MEYER: I am going to object on the</p> <p>18 grounds that it requires speculation by Mr. Rider.</p> <p>19 BY MR. SIMPSON:</p> <p>20 Q Well, you were in Army. Don't you -- I mean,</p> <p>21 you know something about firearms, correct?</p> <p>22 MS. MEYER: I am going to object to your</p>

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<p>1 testimony about whether he was in the Army because I                  2 objected to questions about whether or not he was in                  3 the Army and instructed him not to answer those                  4 questions.                  5 BY MR. SIMPSON:                  6 Q Just so I understand your testimony, in your                  7 view, it is preferable in a situation in an elephant                  8 running in a circus parade that the elephant rather                  9 than be controlled with a bull hook be shot?                  10 MS. MEYER: I am going to object to the form                  11 of that question. If you want to ask him a question,                  12 you can ask him a question.                  13 MR. SIMPSON: That's a question.                  14 MS. MEYER: You are stating what his view                  15 is. Why don't you ask him what his view is.                  16 BY MR. SIMPSON:                  17 Q Take an elephant in a circus parade that                  18 starts to run. Is it preferable to use the bull hook                  19 to stop her from running or to shoot her with a gun?                  20 MS. MEYER: I am going to object. That's                  21 been asked and answered.                  22 BY MR. SIMPSON:</p>	<p>1 that question.                  2 BY MR. SIMPSON:                  3 Q Well, let's look at your interrogatory                  4 answers. Let's look at your interrogatory answer. If                  5 you look at page 18.                  6 A Page 18, did you say?                  7 Q Yes.                  8 A Okay.                  9 Q Okay. In this one where you make reference                  10 to Karen taking off and Graham hooking her under the                  11 leg so hard he almost tripped her trying to stop her                  12 from running, correct?                  13 A Yes.                  14 Q All right. Look at the statement you gave to                  15 Congress in June of 2000, if you would, sir. I think                  16 we have already marked that as an exhibit. Do you see                  17 the reference to the Tupelo incident in that statement?                  18 A Yeah.                  19 Q This would be on the first paragraph on page                  20 two?                  21 A Right.                  22 Q You make reference here to Minnie and Mysore</p>
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<p>1 Q You can answer the question.                  2 A Oh. If an elephant takes off and runs and we                  3 are talking about -- are you talking about one on a                  4 rampage? You know, run can be in Tupelo, Mississippi,                  5 one took off running because a cattle truck came up and                  6 scared and she took off. Graham Chipperfield was able                  7 to stop her, but a rampaging elephant, such as Tyke or                  8 Janet, no. That takes -- that you would have to do                  9 what they did to Tyke.                  10 Q But when Graham Chipperfield stopped that                  11 elephant in Mississippi from running, it was with a                  12 bull hook, correct?                  13 A It was Karen that he stopped. And he only                  14 stopped Karen because he ran up and was able to give                  15 her a command. I was far enough back that I couldn't                  16 see what he did with his bull hook, but I knew Graham                  17 had a bull hook.                  18 Q Was it Karen or was it Mysore?                  19 A I believe it was Karen.                  20 Q You have given two conflicting versions or                  21 two versions of that story, haven't you?                  22 MS. MEYER: Okay. I am going to object to</p>	<p>1 also being involved; is that correct?                  2 A Yes, sir.                  3 Q Now, which of the elephants was hooked? Was                  4 it Minnie or Mysore or was it Karen?                  5 A All three.                  6 Q And they didn't use guns to stop them, did                  7 they?                  8 A No. There was a police car in the front                  9 leading the walk. Karen took off. Mysore and Minnie                  10 were behind. They of course thought they were supposed                  11 to take off, and the guy started hooking them. It is                  12 that simple.                  13 Q Why didn't you mention the hooking part of                  14 the incident to Congress?                  15 A I thought I did. If I didn't, it was only                  16 because I had five minutes for one -- took off                  17 running. I didn't mention the hook in there because I                  18 was talking about elephants running. That would be a                  19 safety issue. I believe we were talking about the                  20 safety issue of Congress, so that's why I was dwelling                  21 on the safety issue with elephants running more than                  22 getting into details like I did with you.</p>