

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION)
OF CRUELTY TO ANIMALS, *et al.*,)
)
Plaintiffs,)
)
v.)
)
RINGLING BROTHERS AND BARNUM & BAILEY)
CIRCUS, *et al.*,)
)
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 Lechrne – 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

helping out the guy who worked with the elephants. I had experience working with elephants at Clyde Beauty Cole Brothers, as also described above, but no real "training" of any kind. Instead, my training was my hands-on and visual experiences. When I went to Ringling Brothers, I was basically hired on the spot, they put me on the train that day, and I went in the next morning and immediately started work cleaning up after the elephants, with no training at all. The only time anybody with authority ever came up to us and said anything about how to treat the elephants other than, "stay away from Karen because she will kill you," was Joan Galvin, an official for Ringling, who came up to me once in the tent and handed me a little card with the "do's" and "don'ts" and Ringling's rules. She gave me one and told me to sign a paper that said I had received it. So that was as close to any "training" I got at Ringling. We never had trainers at Ringling. Randy Peterson, was a barn man for four years before he was made the supervisor in charge of the elephants, so I did not regard him as a "trainer."

I worked with the elephants 8 hours a day or more, 13 days a week up until we signed our new contract in October, I believe 1998. After we signed our new contract, we went to a mandatory day off a week. Other than that, I worked 13 days in a row with a day off. So 13 days in a row with about 44, or maybe even 50 hours some weeks, with the elephants. Therefore, I would say I got 2 1/2 years of pretty intense elephant training myself simply by being around the elephants so much. I never had any classes or training there. You had to learn everything about those animals on your own. You had to learn it by watching and studying the animals, and just being around them all the time.

Nobody provided any formal training on how to "tether" an Asian Elephant. We didn't "tether" them, we chained them up. Regarding use of an ankus, the first time I saw somebody

use an ankus to hook an elephant was at Clyde Beatty, and then I saw it again at Ringling. What I learned at Ringling, by observing the other handlers, was that you were supposed to use an ankus to hook elephants up behind the ears, on the legs, you hit them on the trunks, you smack up along on the side the head. The ankus is what the handlers used to dominate the elephants.

Interrogatory No. 4:

Describe every communication you have had regarding defendants with any and all animal advocates or animal advocacy groups prior to working for defendants, while working for defendants, or since leaving defendants' employment.

Objections and Response to Interrogatory No. 4:

Mr. Rider objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive, because Mr. Rider has had hundreds of communications that fall within the scope of this Interrogatory, and he cannot possibly describe each such conversation. Mr. Rider further objects to this Interrogatory on the grounds that it seeks privileged information that is protected by the attorney-client privilege, with respect to conversations he has had with the co-plaintiffs, that one or more of his attorneys participated in, and with respect to conversations he has had with Lisa Weisberg who is an attorney with the ASPCA, one of the organizational plaintiffs in this action. Mr. Rider further objects to this Interrogatory on the ground that it seeks privileged information that is protected by his right of association, because it would require him to identify every animal advocate or animal advocacy group with which he has ever communicated. Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider answers this Interrogatory as follows:

I never had any communications regarding defendants with any animal advocates or animal advocacy group prior to working for defendants, or while working with defendants, other

than when we were by the trains. There would have been animal rights people there, but I would only tell them what Ringling told me to say – we never hit our animals, and we take good care of our animals.

Since leaving defendants' employment, I have talked to hundreds of individuals and groups that fall within this description. I first went to reporters for the Daily Mirror in London on about March 13, 2000. I was over in Europe working with Daniel Raffo, who was working with the Chipperfields. I told the reporters how the Chipperfield elephants – the same ones that had been at Ringling Brothers – were mistreated. The Mirror did a story on the treatment of the elephants. The Mirror reporters put me in touch with a group called the Animal Defenders in London, England, and I told them what had happened, about what I had seen in the circus life, including at Clyde Beatty, Ringling, and the Chipperfield circus. Most of my communication with any animal rights group is about what I saw at Clyde Beatty, what I saw at Ringling Brothers, what I saw when I worked for Dan Raffo with the Chipperfield elephants in Europe. I tell them what I saw – the hitting, the hookings, the beatings. I have included specific information on this in the answers to Interrogatory Nos. 9, 11, 12, 14, 17, 18, and 19 below, and I hereby incorporate those answers by reference. I have probably talked to hundreds of people since I left the circus community in March 2000, and I can't possibly remember all of their names.

After England I went back to New York on about March 22-23, 2000 and called Betsy Swart who worked for the Performing Animal Welfare Society (PAWS). I was given her number by the people at Animal Defenders. Betsy lived near Boston, so I went there to see her, and she asked me if I would be willing to go out to PAWS in California. So I took a bus out to PAWS at

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

hitting Benjamin with a bull hook, yelling and screaming at him, basically every single day. Because it happened just about every day between then and when Benjamin died in July, 1999, the incidents are too numerous to describe. An example occurred in New Haven, Connecticut in May, 1998. We were backstage and Benjamin was out there playing with Shirley, and Pat Harned came out and started hitting Benjamin with a bull hook and yelling at him. Karen, an older elephant, started rattling her chain because Harned was yelling at the baby, and Harned came over to Karen, and for the next 23 minutes he started hooking and hitting her and making her raise her trunk and yelling at her, making her lay down and get up, and just all because she rattled her chain. Benjamin was always being poked, stabbed, hit by Harned – it was just about every single day. Benjamin was also chained most of the day, each day, which is also mistreatment, especially for a baby who needs to play and run around.

I first became aware of Benjamin's death on about July 27, 1999. Ringling put out a press release saying that Benjamin had drowned for no reason while swimming in a pond. I knew that probably was not true – baby elephants are natural swimmers and Pat Harned beat Benjamin all the time. I later saw the report of the USDA investigation some time in 2001 or 2002. I do not remember when I first saw it. That report concluded that Pat Harned let Benjamin and Shirley go swimming in a pond that they had never been in, and that when he told them to come out, Shirley obeyed, but Benjamin refused, and then Pat went in after him with a bull hook. According to the report, eye-witnesses stated that Benjamin "died while swimming in a pond because the elephant would not respond to the voice commands of the trainer, Pat Harned." The eyewitnesses stated in sworn affidavits that Benjamin would move away from Harned when he "poked" the elephant "with a stick" – i.e., Harned's bull hook. The USDA investigator's report

also concluded that the “elephant seeing and/or being ‘touched’ or ‘poked’ by Mr. Harned with an ankus created behavioral stress and trauma which precipitated in the physical harm and ultimate death of the animal.” For more details about what happened when Benjamin died, I refer you to chapter V of a report that was issued by the co-plaintiffs the ASPCA, the Fund for Animals, and the Animal Welfare Institute, entitled: “Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants” (September 2003) (hereinafter referred to as “the USDA Report”), which is hereby incorporated by reference.

Interrogatory No. 10:

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

Response to Interrogatory No. 10:

I think I learned about Kenny the day after he died, about January 25, 1998. I found out later that he had been sick and the vet, Gary West, told the Ringling handlers not to let him perform, to keep him out of the performance, but West was ignored, and they took Kenny into the performance. They made him perform when he wasn’t well and the vet said he should stay in the barn. I call that mistreatment.

For more details, please refer to Chapter II of the USDA Report, which is hereby incorporated by reference. In addition, because I contend that Ringling handlers routinely hit the elephants with bull hooks and other instruments, keep them chained for most of the day, and forcibly separate baby elephants from their mothers, I believe that Kenny was probably mistreated many times by Ringling before he died in January, 1998.

Interrogatory No. 11:

State the date on which you first became aware that defendants allegedly harmed their elephants, as is alleged in the complaint, and describe each incident thereafter in which you contend that defendants harmed one or more of their elephants.

Objection and Response to Interrogatory No. 11:

Mr. Rider objects to this interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr. Rider saw mistreatment of elephants almost every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. This included, but was not limited to, handlers and trainers hitting elephants with bull hooks and other instruments, beating elephants, and keeping the elephants chained for most of every day. These incidents are too numerous to describe in detail. In addition, Mr. Rider alleges that this kind of mistreatment occurs each day at Ringling Bros., and for that reason also, the incidents of harm are too numerous to list.

Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider provides an answer to this Interrogatory below.

The first time I became aware that the elephants were being mistreated at Ringling Brothers was actually June 4, 1997, my first full day on the job, in Austin, Texas. I saw them starting to use the hook on the elephants in Austin, saw them poke and stab the elephants.

June 12-15, 1997, Lubbock, TX. We had a tornado coming and the elephants were acting up and so everybody grabbed their bull hooks, all the handlers, except me, started going after the elephants, started hooking them, and making them get their legs up.

June 19-22, 1997, Little Rock, ARK. In Little Rock they were doing a lot of hooking and hitting. In Little Rock, the elephants were taken off the train, put into a building, and chained up 24/7. The only time they were unchained was to do the show or rehearse.

June 24-25, 1997 Tulsa, OK. The whole time, the elephants were being hit, hooked, yelled at.
June 27-29, 1997, Oklahoma City, OK. Basically the same thing – hooking, poking, stabbing by the handlers. Whenever they came in to clean the elephants, they started hooking and hitting them.

July 3-6, 1997, Memphis, TN. I remember in Memphis nobody cared whether the fireworks were going off on the 4th of July and the elephants were getting all panicky and everybody that would walk up, would hit or yell at them.

July 8-9, 1997, Tupelo, Miss. We had a major thunderstorm move in. The tent was already down on load out. Graham Chipperfield decided to leave the elephants out there, with lightning striking all over the place. When we finally got ready to go to the train and load the elephants, we passed the cattle truck and the elephants in front took off running and Karen was in the front, and Karen took off and Graham hooked her under her leg so hard he almost tripped her trying to stop her from running. Again, everybody was hooking and poking and stabbing the elephants.

July 11, 1997, Jacksonville, MS. A lot of hooking and hitting of the elephants by Jeff Pettigrew, Franko, Sonny. I can't recall all the handlers, anybody that had a bull hook was doing the hitting and stabbing.

July 15-27, 1997, Houston, TX. We ended up putting the elephants downstairs all in a row chained up. The only time they went outside was to get water. Sometimes we watered them inside.

July 30 - August 10, 1997, Dallas, TX. There we had the elephants in a patio behind the parking deck on the bottom, first level. Again, there was a lot of hitting, stabbing, and poking of the elephants with bull hooks. Systematic daily abuse is what I call it.

August 15-17, 1997, Ft. Worth, TX. The elephants were inside the building the whole time. No exercise, chained up the whole time, except when the animals were rehearsing or performing. Again, every time the handlers come in to clean up the elephants, they hooked and hit the elephants.

August 21-24, 1997, New Orleans, LA. The elephants were inside the Superdome the whole time, and, again, there was a lot of hitting and stabbing the elephants with bull hooks.

August 29-31, 1997, Wichita, KS. Basically the elephants were inside the coliseum there, kept inside the whole time. A lot of hooking went on, whenever the handlers laid the elephants down, they hooked them.

Sept. 9-12, 1997, Milwaukee, WI. Again, the elephants were hooked and hit. I remember when the handlers came in to clean up the elephants, and they would always be hooking and hitting them.

Sept. 12-14, 1997, Moline, IL. The elephants were outside in a tent, chained up 24 hours a day. The only time when they were unchained was to do a show or maybe rehearse. The handlers hooked and hit the elephants all the time.

Sept 17-21, 1997, Kansas City, MO. The elephants were kept inside the building, with no exercise, chained up the whole time, except when they were performing or rehearsing. There again, the elephants were hooked and hit all the time.

Sept. 24-28, 1997, Indianapolis, IN. The elephants were chained up the whole time, never got out for exercise except when they went in to the arena to rehearse or do a show. Again, the handlers hooked and hit the elephants whenever they cleaned them.

Oct. 1-5, 1997, Detroit, MI. We were inside, and the elephant Susan got sick. I requested the veterinarian Gary West and Graham Chipperfield to come back to the unit. They came back, they stood about 20 feet away and looked at her, said she looked fine, probably had a stomach ache and walked off. That is not taking care of an elephant to me, but that is what they did. Also, there was hooking and hitting by Jeff Pettigrew.

Oct. 8-19, 1997, Boston, MA. The elephants were inside the whole time and did not get any exercise. They were chained up for most of the day and getting poked and hit.

Oct. 22-26, 1997, Pittsburgh, PA. Alex Vargas came back and the elephants were not doing the public walk right and so Vargas and the other handlers got them inside, closed the curtain, and started hitting the elephants, and the elephants were screaming.

Oct. 29- Nov. 2, 1997, Buffalo, NY. Again, hooking and hitting all the time. Hooking them getting them on the train, hooking them getting them off.

Nov. 5-9, 1997, St. Louis, MO. The elephants were hooked and hit when they were being cleaned.

Winter Quarters, 1997, Tampa, FL. Elephants were hit with bull hooks during rehearsals.

Jan. 15-18, 1998, Orlando, FL. Randy Peterson took over with the elephants, and, if he thought an elephant was out of line, he hit it. He called this "disciplining" the elephant.

Jan. 21-25, 1998, Birmingham, AL. It was the same – the elephants were hooked and hit.

Jan. 28 - Feb. 1, 1998, Asheville, NC. We didn't unload them when we got there, instead we waited until next morning and we had 8 inches of snow. We had to walk the elephants in the snow. Getting them off the train, the elephants were repeatedly hooked to make them move faster in the snow.

Feb. 3-8, 1998, Knoxville, TN. Again, hooking and hitting of the elephants - very very hard to watch.

Feb 11-15, 1998, Greensboro, NC. Randy Peterson hit and hooked the elephants.

Feb 18-22, 1998, Richmond, VA. We were inside. This is where Zina and Rebecca were being laid down by Andy Weller and Jeff Pettigrew, who beat them severely. When they were done, I had to go get the wonder dust and had to cover up about 30 hook wounds on Zina, and 20 on Rebecca. Kenneth Feld showed up that night when the elephants were screaming, and he did not pay any attention to it.

Feb. 25 - March 1, 1998, Knoxville, VA. The elephants were inside the whole time, on chains, and got no exercise.

March 10-15, 1998, East Rutherford, NJ. The elephants were inside the whole time. The elephants were chained up under the brand new overhang and the elephants kept reaching up and pulling it down with their trunks. I said we have to move them, but we were told instead just to hit the elephants and smack them on their trunks to make them stop pulling down the overhang. Randy Peterson beat the elephants Minnie and Kamala with a bull hook.

March 17-23, 1998, Uniondale, NY. This is the first time we had an animal open house. We had to go in and cover the chains and make sure they stayed covered with straw and hay, so that the public, when they came back to see the animals, wouldn't see them chained up. It would look better covered with hay. Again as soon as the people were gone, the elephants got hooked and hit.

March 27 - April 13, 1998, New York City, NY. On the 5th floor of Madison Square Garden chained up 24 hours a day. The elephants were hooked, hit, smacked around up there. The elephants got no exercise, couldn't go outside, couldn't do anything.

April 15-26, 1998, Philadelphia, PA. Adam Hill was hired to take care of the barn. He started making bull hooks for everybody and made sure they were sharp as needles. Adam Hill did a lot of hitting and hooking of the elephants.

April 29 - May 29, 1998, Providence, RI. Again we were inside, and the elephants were chained and got no exercise. The elephants were brought off the train, hooked, they were hooked and hit when they were getting cleaned up.

May 5-6, 1998, Springfield, MA. We were only there a couple days, and there was constant chaining, hitting, hooking of the elephants.

May 8-10, 1998, Worcester, MA. Again, the elephants were inside the whole time, chained, and there was lots of hooking and hitting.

May 12 - 14, 1998, New Haven, CT. Harned got mad and beat Benjamin. Karen, the big elephant, started rattling her chain. Harned went over and started beating Karen, making her raise her leg, lay up, get down, lay up get down for 23 minutes.

May 15-17, 1998, Hartford, CT. Again, lots of poking and hitting of the elephants. Benjamin

was getting hit all the time, and Shirley was also getting smacked around. The big elephants got hit too.

May 23-25, 1998, Hershey, PA. The elephants were outside. We had to keep one side of the tent closed so the public in the park could not see the handlers hit the elephants.

May 28-31, 1998, Albany, NY. Again, lots of hooking and hitting. The handlers were always walking out, making sure the government didn't come around.

June 2-3, 1998, Syracuse, NY. Again the elephants were hit and hooked.

June 5-7, 1998, Rochester, NY. Same thing, the elephants were hit and hooked.

June 11-14, 1998, Washington, KY. Again, there was hooking and hitting of the elephants on the walk going to and from the train, cleaning them up at night, constant hooking and hitting.

June 18-21, 1998, Lubbock, TX. I remember Tony Rodriguez smacking an elephant, I remember Randy Peterson coming out there and doing the same thing, hooking and hitting, giving them commands. Sometimes they hit them and then gave them the commands.

July 1-15, 1998, Phoenix, AZ. The elephants were down inside, they were hit and hooked.

July 8 -12, 1998, Fresno, CA. We were outside in Fresno. It was a 100 degrees. Very hot. There was lots of hitting and hooking of the elephants on and off the train.

July 22-26, 1998, Los Angeles, CA. LA is a 3.5 mile walk from the train, hooking them the whole time, doing it cautiously because we were on the street, but as soon as we got them inside and the walls were up and with the big bushes you couldn't see back behind there, and it was just hook and hit them, until the celebrities showed up on opening night, then everybody was on their best behavior.

Aug. 6-9, 1998, Englewood, CA. We were out in the parking lot. Again there was hooking and hitting of the elephants on the walk. They kept the elephants in the parking lot. We had a little recreation area, although they were not in there very much. It was too rough on the elephants because they had to walk into the arena and they were being hooked while the handlers warmed them up, every night when they'd warm them up before the show, in every single town, they would always hook them, hit them behind the leg to make them go faster.

Aug. 12-16, 1998, San Diego, CA. There was a lot of hooking and hitting of the elephants on the train, off the train.

August, 1998, Anaheim, CA. Pat Harned and Randy Peterson hit the elephant Lechme with a bull hook.

Aug. 25-30, 1998, San Jose, CA. All the hitting took place inside the tent with the walls down, so the public wouldn't see it. Elephants were struck with bull hooks behind their ears.

Sept. 2-7, 1998, San Francisco, CA. Adam Hill and Robby Costillo were checking for blood behind the elephants from hook wounds because they knew there were cameras around. I was standing right there and Adam pointed to blood behind the ear of an elephants and he went to raise the trunk and smacked the elephant on the trunk, while Robby stabbed the elephants under the chin to make them raise their trunks up.

Sept. 9-13, 1998, Sacramento, CA. Sacramento they had a 3.5 mile walk in. The elephants came off the train and were hooked all the way for 3.5 miles, the handlers were always hooking them.

Sept. 17-20, 1998, Seattle, WA. It was cold. The elephants were in a little bitty barn, right under the space heater, no room to move around, no exercise at all, chained up for long periods of time. So far the elephants have been chained pretty well 24/7 except when they were ever taken into the arena to perform, or if there was rehearsal. They were always chained up over 20 hours a day. Again, lots of hooking and hitting.

Sept. 22-23, 1998, Spokane, WA. Again, hooking and hitting on the train, hooking all the way up to the ring. Hooking them when they went into the show warm up before the show.

Sept. 25-27, 1998, Portland, OR. Hooking and hitting often on the train, and during warm up.

Sept. 30 - Oct. 4, 1998, Salt Lake City, UT. They had a parade, and they hooked the elephants and hit them.

Oct. 7-18, 1998, Denver, CO. This is when Dateline came. They got the whole animal crew together in a circle and Jeff Steele told us that Dateline was going to be there for the next three days, and he didn't want anybody hitting elephants on camera and getting caught on tape. However, every time there wasn't a camera present, the elephants were getting hooked and hit.

Oct. 23 - Nov. 1, 1998, Cleveland, OH. We were inside, and it was cold. Again, there was lots of hooking and hitting on and off the train, getting the elephants to the arena, hooking them before the show, on their way in, repeatedly. After we left Cleveland, it was cold on the train because there were no heaters, and I decided to shove hay in between the doors to keep the snow out because it was too cold for the elephants.

Nov. 4-15, 1998, Rosemont, IL. Randy Peterson got mad at his wife, this is just one of the times he did this, he got mad at her and come out and started beating the elephant Nicole. It happened another time in Winter Quarters, he beat Nicole because he was mad at his wife. A lot of these guys that would come in, they'd be mad about something and take it out on the elephants.

Nov. 17-29, 1998, Chicago, IL. There was a lot of hooking and hitting of the elephants.

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Dec. 3-6, 1998, Huntsville, AL. There was lots of hooking and hitting of the elephants coming off the train, hooking and hitting all around. Very bad. Adam Hill hit Karen and Sophie with a bull hook.

Winter Quarters, 1998, Tampa, FL. It was very rough on the elephants. They did get to go outside a little bit in pens, but usually they were brought back in quickly. When I got to work at about 3:30, they were in the pens, until about 5:00, and then they were back in, chained up the rest of the time. They may have got 15 hours chained and maybe 9 hours out of the chain during this time. But this is the only time when they are not on the road performing.

Dec. 26, 1998 -Jan 3, 1999, Miami, FL. There was a train derailment, and quite a bit of hooking and hitting of the elephants to get them into the arena. A guy named Scott hit elephants with a bull hook.

Jan. 7-10, 1999, Sunrise, FL. They started putting up fences because the animal rights groups were complaining about the elephants being chained all the time. So we might put two or three of the elephants outside, for the public to see, but the rest of them would stay inside chained up. Very rarely would the elephants all get outside together. Again, there was daily hooking and hitting of the elephants.

Jan 14-18, 1999, Jacksonville, FL. Again the elephants were getting hit.

Jan. 21-24, 1999, North Charleston, SC. Again, a lot of hooking and hitting going on all the time.

Jan. 28-31, 1999, Macomb, GA. Each and every day of the week these elephants were getting hit. If they didn't do something right, they got hooked and hit.

Feb. 2-3, 1999, Augusta, GA. Again, lots of hooking and hitting.

Feb. 5-7, 1999, Columbia, SC. More hooking and hitting.

Feb. 10-14, 1999, Raleigh, NC. There was a lot of hooking and hitting, but the handlers were very cautious and always looking over their heads first, because the USDA has an office there.

Feb. 17-21, 1999, Charlotte, NC. We had to walk the elephants from the train to get them to the building, and, again, there was a lot of hooking and hitting; a lot of hooking and hitting of the elephants getting them off the train and during the walk.

Feb. 25-28, 1999, Fayetteville, NC. The elephants were in a tent out back. They were hooked and hit all the time.

March 3-7, 1999, Cincinnati, OH. Again, the elephants were hooked as they came off the train, and as they were walked down and put in tents; Randy Peterson hit the elephant Nicole on the

head with a bull hook.

March 10-21, 1999, Baltimore, MD. That was kind of a rough time in Baltimore because it's a small arena and the elephants were hit repeatedly.

March 24-28, 1999, Washington, DC. As soon as we got the elephants inside, it was constant hooking and hitting inside the arena. Pat Harned beat Benjamin.

March 30-13, 1999, Washington, DC at the Armory. The Armory is where we got five new employees from Puerto Rico. The first thing they were told was to get a bull hook, go see Adam Hill, he'll make you a bull hook, charge you about \$150-200 for a bull hook, made of stainless steel, sharp as can be.

April 16-18, 1999, Landover, MD. Again, there was a lot of hitting and hooking of the elephants.

April 22-25, 1999, Charleston, WV. There was hooking getting the elephants off the train, hooking inside the arena, hooking when the elephants went into the show, beating them behind the legs.

April, 1999, Chattanooga, TN. Handlers beat elephants named Sophie and Karen; Nicole was also severely beaten.

May 5-8, 1999, Tulsa, OK. The elephants were hooked getting off the train, hooked on the walk, hooked when they got to the arena.

May 12-16, 1999, San Antonio, TX. Adam was beating the elephants.

May 26-30, 1999, Ft. Wayne, IN. Again the elephants were hooked and hit on the walk. It was pouring down rain. The handlers were smacking the elephants to make them go faster.

June 2-6, 1999, Columbus, OH. Again there was hooking and hitting of the elephants on the train, hitting them before they go into the show, hooking whenever they didn't do something right.

June 9-13, 1999, Toledo, OH. Again hooking and hitting of the elephants on the train, hooking when they got off the train.

June 23-27, 1999, Ottawa, Ontario, Canada. Five elephants started fighting and broke down the fence. The next thing I knew, Adam came running, grabbed his bull hook, ran in and started hitting every elephant. Pat Harned grabbed his bull hook, ran in and did the same. Randy Peterson joined in and hit the elephants: all three of them were hooking, hitting and yanking on those elephants, smacking them to get them back in that pen.

July 2-11, 1999, Toronto, Ontario, Canada. The elephants were hit and hooked.

July 16-25, 1999, Houston, TX. There was a lot of hitting and hooking of the elephants. The babies were outside, and the big ones inside, this was unfortunately coming to the end of Benjamin's life. Benjamin was beat and hooked by Pat Harned, and somewhere between Houston and Dallas Benjamin met his fate. Harned beat Benjamin the whole time he was with him.

Aug. 11-15, 1999, Ft. Worth, TX. Again, there was lots of hooking and hitting of the elephants.

Aug. 18-22, 1999, Colorado Spring, CO. Again, the elephants were hooked and hit.

Aug, 26-29, 1999, Wichita, KS. Again, lots of hooking and hitting, hooking and hitting.

Sept. 2-5, 1999, Moline, IL. The elephants were hooked and hit on the train and before the show.

Sept.8 -27, 1999, Kansas City, MO. Same thing in Kansas City - lots of hooking and hitting of elephants with bull hooks.

Sept. 15-19, 1999, Indianapolis, IN. Again, the elephants were hit and hooked; the handlers would close the flaps so the public couldn't see them hit the elephants.

Sept. 22-25, 1999, Grand Rapids, MI. The elephants were hooked and hit. Randy Peterson was going all out beating these elephants.

Sept. 30-Oct. 3, 1999, Buffalo, NY. Same thing: lots of hooking and hitting of elephants.

Oct. 7-10, 1999, Detroit, MA. There was more hooking and hitting of the elephants.

Oct. 15-24, 1999, Boston, MA. James, who came up from the Ringling breeding farm in Florida, was hitting an elephant. There were five baby elephants there, and I saw Gary Jacobson and Dave Whaley hitting and hooking the baby elephants.

Oct. 27-31, 1999, Pittsburgh, PA. Again, there was lots of hooking and hitting.

While I worked with Ringling, in each and every one of those towns, elephants were hurt, hit, stabbed. They would get hit when they wouldn't move fast enough, when they were warming up for the show, they'd be hit and abused.

Since I first became aware that defendants harm their elephants, I have become aware of additional incidents when Ringling employees harmed one or more of their elephants. These

incidents include the following:

Cow Palace
Daly City, CA
2000

Troy Metzler hit elephants with bull hooks
Dave Whaley hooked elephants with a bull hook, hit elephants on legs; Dave Whaley used a leatherman/knife to clip a baby elephant on her side; Elephants were chained most of the time

San Jose, CA
2000

Handlers hit elephants, including babies, with bull hooks under their chins; Brian Christiani jabbed elephants with a bull hook

Tulsa, OK
January 5, 2001

Sonny hooked an elephant; Sara Houcke jabbed an elephant with a bull hook

San Jose, CA
2001

Handlers hit elephants with bull hooks

Daly City, CA
Aug./ Sept. 2001

Handlers, including Rick Bogar, hit elephants with bull hooks; Mark Gebel used a bull hook on elephants

Pittsburgh, PA.
Nov. 1, 2001

Handlers Troy Metzler and Sonny hit elephants with bull hooks.

Tulsa, OK
2000

Robert Ridely ("Sonny") got a bull hook stuck in elephant's mouth

Oakland, CA
Aug. 18, 2002

Troy Metzler hit elephants with bull hooks;
A baby elephant named Doc was chained and exhibiting stereotypic behavior

Daly City, CA
Aug. 25, 2002

Jeff Pettigrew stuck a bull hook in an elephant's mouth and twisted it

San Jose, CA
Aug. 25, 2002

Troy Metzler used a bull hook in the mouth of an elephant, and

	hooked a baby elephant named Doc
Oakland, CA 2000	Sonny and Brian Christiani hit elephants with bull hooks
San Jose, CA August 21, 2002	Jeff Pettigrew jabbed elephants with bull hook
September 3, 2002	Troy Metzler hit elephants with a bull hook, and grabbed the trunk of an elephant with a bull hook
Daly City, CA Aug. 26, 2002	A handler hit the baby elephant Angelica under the chin with a bull hook
San Jose, CA Aug. 24, 2004	A handler jabbed an elephant's foot with a bull hook; a handler grabbed an elephant with a bull hook
San Jose, CA 2001	Handlers jabbed and hit elephants with bull hooks
Daly City, CA 2001	Rick Bogar hit an elephant with a bull hook
Sacramento, CA 1999	Roy Wells jabbed an elephant with bull hook
Daly City, CA 1999	A handler hooked an elephant on the ear
San Jose, CA 1998	Sonny jabbed an elephant with a bull hook
Atlanta, GA. Feb. 21, 2002	Handlers grabbed elephants behind their ears with bull hooks
Daly City, CA 2001	Handler Bogar used a bull hook on an elephant
San Jose, CA Aug. 25, 2002	Handlers hooked elephants in their mouths
Sacramento, CA Sept., 2002	A handler hooked a baby elephant on its trunk and jabbed it under

its chin

Oakland, CA
Aug. 21, 2003

Handlers used bull hooks on elephants; a handler stepped on the trunk of an elephant and hit an elephant with bull hook

San Jose, CA
Sept. 5, 2003

A handler hooked and jabbed elephants; Bogar hit an elephant on its trunk with a bull hook; Sasha Houke used a bull hook on elephants

Daly City, CA
Sept., 2003

Alex Petrov jabbed an elephant with a bull hook

Reno, Nevada
Sept., 2003

Handlers pulled and jabbed elephants with bull hooks

Additional incidents of which I am aware include:

Incidents of beatings, hitting of elephants with bull hooks and other instruments, and prolonged chaining were also witnessed by Kelly Tansy, when he worked for Ringling: 1829 West Gardner, Spokane, WA 99201 (509) 327-5988.

Madison Square Garden, NY

Spring, 1984 or 1985 - In the evening, a New York City police officer, Joe Pentangelo, witnessed the beating of a chained elephant with a shovel for 5-10 minutes. Mr. Pentangelo currently works for the ASPCA, 424 92nd Street, New York, New York 10128-6804 (212) 876-7700

Mexico, 1998 - During the off-loading of the elephants, Gunther Gebel-Williams struck two baby elephants in the face with a whip, witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Mexico, 1998 - During a performance, Gunther Gebel-Williams struck elephants - witnessed by Ed Stewart of the Performing Animal Welfare Society, P.O. Box 849, Galt, CA 95632 (209-745-1809), and Betsy Swart, 10 State Street, Newburyport, MA 01950 (978)-352-2589.

Auburn Hills, MI

October, 2002 - A Ringling handler struck an elephant with a metal rod behind her front leg, witnesses by Doreen Rudnick, 6832 Fredmoor Street, Troy, MI 48098

In further response to this Interrogatory, I hereby incorporate by reference the specific incidents set forth in my sworn affidavit that I provided to the United States Department of Agriculture on July 20, 2000 which I am providing to defendants in response to their document production requests. I also hereby incorporate by reference all of the information that is contained in the report prepared by the co-plaintiffs, the ASPCA, the Fund for Animals, and the Animal Welfare Institute, entitled: "Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants" (September 2003). That document is also being produced by plaintiffs in response to defendants' document production requests.

Interrogatory No. 12:

Describe each and every incident which you did not identify in response to the previous interrogatory in which you contend that defendants have "taken" an elephant within the meaning of the Endangered Species Act.

Objections and Response to Interrogatory No. 12:

Mr. Rider hereby incorporates the same objections and response that he made with respect to Interrogatory No. 11. In addition, Ringling "takes" both the adult and baby elephants when it removes baby elephants from their mothers and separates other elephants from their family members.

Interrogatory No. 13:

State the date on which you first became aware of any alleged injuries that you claim were suffered by any of defendants' juvenile elephants as a result of defendants' practices regarding separation of juvenile elephants from their mothers and describe each incident thereafter in which you contend that one of defendants' juvenile elephants was injured as a result of its separation from its mother.

Response to Interrogatory No. 13:

I became aware of injuries inflicted on the baby elephants Doc and Angelica when I saw the USDA documents concerning this matter, sometime in 2000 - 2001. For further specific information concerning this incident, please refer to Chapter IV of the USDA Report, which is hereby incorporated by reference.

In addition, because Ringling officials admitted that these separation practices are "routine," I would say that this kind of physical injury has probably occurred every time baby elephants have been separated from their mothers by Ringling, including all the times this was done before the Doc and Angelica incident, as well as all the times it has been done since that incident. In addition, each time the babies are separated from their mothers, both the babies and the mothers suffer psychological, emotional, and behavioral injury, so this would have occurred every time Ringling has separated babies from their mothers.

Interrogatory No. 14:

Describe each incident in which you allegedly observed someone harm one of defendants' elephants, as alleged in Paragraph 19 of, or elsewhere in, the complaint.

Objections and Response to Interrogatory No. 14:

Mr. Rider hereby incorporates the same objections and response that he made with respect to Interrogatory No. 11.

Interrogatory No. 15:

Describe each complaint or report that you made to any person about the way that the defendants' elephants were treated while you were employed by defendants.

Objection and Response to Interrogatory No. 15:

Mr. Rider objects to this interrogatory on the ground that it is overly broad, unduly

burdensome, and oppressive. Mr Rider saw mistreatment of elephants virtually every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999, and he often complained to his fellow workers about this mistreatment. He did not keep track of every time he complained, and those incidents are too numerous to recall. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider provides the following additional answer to this Interrogatory:

Sept. 3-7, 1997, Greenbay, WI. The elephants were inside, and getting hooked all the time. I was getting yelled at because I was complaining about people hooking the elephants.

Sept 17-21, 1997, Kansas City, MO. I complained about the elephants being hit.

Oct. 1-5, 1997, Detroit, MI. Jeff Pettigrew told me that if I didn't quit complaining about the handlers hitting and disciplining the elephants he was going to get me fired.

Jan. 28- Feb. 1, 1998, Asheville, NC. Jeff Pettigrew threatened my life because I was complaining about everybody hitting the elephants all the time.

Feb 11-15, 1998, Greensboro, NC. I went to the Union, because Randy Peterson threatened my job because I was complaining about people beating the elephants.

March 17-23, 1998, Uniondale, NY. I did a lot of complaining there about the animals being chained up all the time.

June 18-21, 1998, Lubbock, TX. I complained to Randy Peterson that Tony Rodriguez was hooking and hitting the elephants.

Jan 14-18, 1999, Jacksonville, FL. I went to Alex Vargas and asked him to do something about these guys beating the elephants all the time. He said there was nothing he could do, that this is "discipline," and the handlers were going to do it anyway.

June 23-27, 1999, Ottawa, Ontario, Canada. I was yelled at by Randy Peterson because I refused to hit the elephants with a bull hook when the elephants started fighting and broke down a fence. He threatened my job because I was complaining about him and the other handlers hitting the elephants.

July 2-11, 1999, Toronto, Ontario, Canada. I called the Union in St. Louis and I told them that my job had been threatened because they were beating the animals again.

I repeatedly complained on the train to anyone who would listen about the mistreatment of the elephants.

Interrogatory No. 16:

Describe the extent and nature of your contact with each and every elephant with which you worked while you worked for defendants, including the dates that you worked with that elephant.

Response to Interrogatory No. 16:

From June 3, 1997 until November 25, 1999, I worked each and every day, or traveled on the train, with the elephants, unless I had a day off. I worked with the following elephants: Roma – who in the beginning worked all the way until we played the Superdome in New Orleans, LA and then they took her down to Florida – Nicole, Mysore, Karen, Sophie, Jewel, Rebecca, Lutze, Susan, Zina, Kamala, Lechme, and Minnie. I was also around the baby elephants, including Benjamin, Shirley, Romeo, Juliett, and the others who were touring with the Blue Unit when I was there.

The extent of working with these elephants consisted of being around them seven, eight, sometimes more hours each day depending on what was going on that day – feeding them, making sure they had water if they needed it, cleaning up after them, putting down sawdust, and making sure nobody got around them. I got to know the elephants very well, and grew to love them. I felt that my emotional feelings for those elephants, my love for those elephants, was shown by not striking them. When I was on the train it would be the same thing. I'd have to watch them during the runs, then I was up there by myself keeping them as content as I could. I had direct daily contact with those elephants. I looked forward to seeing them every day, I was very close to them, they got to me, in my blood. I loved the elephants, and I didn't want to see them harmed, but I saw it. Everyday I had to be there, and I showed them that I loved them, and I

believe they trusted me.

Interrogatory No. 17:

Describe each of your "observations" of elephants that you know, as alleged in Paragraph 23 of the complaint, since you left defendants' employ, including which elephants you observed.

Objection and Response to Interrogatory No. 17:

Mr. Rider objects to this interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr Rider has seen Ringling Brothers' elephants on many occasions since he left defendants' employ, and he has also seen many of them on videotapes that others recorded. It is impossible and burdensome for him to describe each of his observations of those elephants. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider provides the following additional answer to this Interrogatory:

For the last four years, I have been traveling around the country to many of the towns that Ringling performs in. I observe the elephants whenever I am in a town at the same time that Ringling arrives. I can not recall every time I have seen any of the elephants since I left Ringling. I do remember seeing the elephants in Madison, Wisconsin (May 2001) swaying back and forth, and I felt sorry for them. I saw them in Atlanta Georgia (2002, 2003), Manchester, New Hampshire (September/October, 2003); Pittsburgh, Pennsylvania (2001). I see them in California because I am there quite a bit, I have seen them in LA. I've also observed the elephants from the Red Unit walking down the street many times in San Jose, CA. It is hard to go visit the Ringling elephants because I know what goes on, it's just very hard. In addition, I have been able to observe many of the Ringling elephants on videotape since I left the circus. (Plaintiffs are producing copies of all of those videotapes in response to defendants' document

production request).

Whenever I observe one of the elephants, they look so sad and miserable, it makes me sad. Because I know what kind of life they lead day in and day out – on the road all but two weeks every year, being chained most of the time, stuck on the train in small train cars, hit, poked, smacked, jabbed, hooked, and beat with bull hooks and other tools, being yelled at all the time, not getting much exercise, not being able to play with each other, getting hit and yelled at if they try to play together, or even if they move a little bit when they are supposed to be standing in a line together, the babies being taken away from their mothers. I also see the elephants swaying back and forth, back and forth, and this also makes me sad because I know this is what is called “stereotypic” behavior, it is the result of the elephants being mistreated and confined in the circus. Even though I love them and want to visit them, it is really hard for me to do so without feeling badly.

Interrogatory No. 18:

For each elephant with which you claim, in Paragraph 23 of the complaint, a “close personal relationship,” describe the “demeanor and behavior” which you contend is “a result of the way [the elephants] are mistreated by Ringling Bros.”

Objection and Response to Interrogatory No. 18:

Mr. Rider hereby incorporates his objection and response to Interrogatory No. 17. In addition, he states:

Each and every elephant, including Karen, I feel that I have a close personal relationship with, because I’m the one who fed them at night when I was there. Sometimes I’d get help, but most of the time the help wouldn’t do it right. I divided the food up so that the elephants would get their food. When Susan got sick, I was there to comfort her until the vet showed up. I was

there for the elephants, I cleaned up behind them, I tried my best to make sure they were as comfortable as possible in the surroundings of being in chains. It was a relationship where I felt safe around them. I didn't feel threatened because I felt that if anybody is going to be threatened, it's the people that do harm to the elephants, not me. I watched the elephants rock back and forth – that's stereotypic behavior – day in and day out, and that's all from mistreatment and being confined all the time. The elephants also rubbed their chains, trying to get their chains off, Karen always took her chain off, she didn't want to be chained up. She wanted to walk, go out and walk around and have fun. The elephants' behavior suffered. I see it all the time. I see them not wanting to do things, not wanting to walk down the street sometimes. That kind of behavior is a result of the mistreatment. I also saw and heard elephants scream when they were beaten, and I saw the adults become extremely agitated when babies were hit, they would become restless, move around, and make distressed sounds. I also saw baby elephants who looked like they were crying when they were punished and hit. I saw baby elephants hit and punished for playing together, and I saw adults hit with bull hooks simply because they tried to engage in playful behavior with other elephants. All of this behavior that I witnessed, and continue to witness when I see Ringling elephants, makes it hard for me to enjoy seeing these animals.

Interrogatory No. 19:

Describe each incident in which you contend that one of defendants' elephants has been "chained" for "long periods of time, up to 20 hours a day, and longer when the elephants are traveling," including the name of the elephant allegedly involved.

Objection and Response to Interrogatory No. 19:

Mr. Rider objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr. Rider saw elephants chained for "long periods of time, up to

20 hours a day," virtually every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. It is impossible for him to describe each such incident. Mr. Rider also contends that Ringling continues to chain its elephants for "long periods of time, up to 20 hours a day or longer." Accordingly, it is impossible for him to describe each such incident, because this occurs on a daily basis. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider provides the following additional answer to this Interrogatory:

Each and every elephant I named in the previous response to Interrogatory No. 18, as well as those elephants who I have forgotten to name, but who traveled with the Blue Unit from June 3, 1997 to November 25, 1999, was chained for long periods of time, up to 20 hours a day, and longer when the elephants were traveling. It is much easier to describe the only times that they were not chained: when they went in for rehearsal during the daytime, once in a while if we had a pen set up, and when they perform. If we had a pen set up, they may let them out there for a few hours, but other than that, they would be brought back and chained. If the elephants are in the tents or in a building for 14 days, then they are in chains for 14 days. For example, when Ringling performs at Madison Square Garden, the elephants are chained up on the 5th floor the whole time. They are always chained at night, they are chained when they are eating, and they are chained when they are on the train.

Because this is standard practice for Ringling, I contend that all of the elephants currently in the Red Unit and the Blue Unit are chained this way, day and night. In addition, there are incidents of chained elephants depicted in the videotapes that plaintiffs are producing, and there are additional descriptions of elephants being chained that are reflected in other documents that

plaintiffs are producing. Those materials are hereby incorporated by reference.

Interrogatory No. 20:

Describe each incident in which you claim to have seen one of defendants' elephants exhibiting "stereotypic behavior" as set forth in the complaint.

Objection and Response to Interrogatory No. 20:

Mr. Rider objects to this interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive. Mr Rider saw defendants' elephants exhibit stereotypic behavior virtually every day that he worked at Ringling Bros., from June 3, 1997 to November 25, 1999. It is impossible for him to describe each such incident. Nevertheless, subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider provides the following additional answer to this Interrogatory:

Almost every day, the elephants rock back and forth, they rattle their chains, they sway, they just rock back and forth. This is "stereotypic" behavior. The elephants are doing this because of the way they have been mistreated and confined.

I have observed additional incidents of stereotypic behavior by Ringling elephants since I left the circus. Please refer to my answer to Interrogatory No. 17, which I hereby incorporate by reference.

Interrogatory No. 21:

Describe every communication you have had with any current or former employee of defendants since your employment with defendants concluded.

Objection and Response to Interrogatory No. 21:

Mr. Rider objects to this interrogatory on the grounds that his conversations about personal matters are irrelevant. He also objects because this Interrogatory 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 have talked to Ryann Smith: Corpus Christi, Texas, (817) 271-6865: she has called me several times and I have called her a few times and we talked about the progress of the lawsuit, what she is doing and private stuff.

I have visited Nicole Adrian: Aron Court, San Marcos, CA: I have visited her and her boyfriend at her house a couple of times over the last few years. We have talked about our time together at Ringling, I have told her about this lawsuit, and we have talked about personal matters.

I called John Wiedenhofer once a couple of months ago: Main Street, Fredonia, New York (716)-673-9267). I called him and said hi, found out he had two kids, we only talked about our personal lives. I did not mention Ringling or this lawsuit.

I saw some of the Gaboneze on the bus down in South Carolina once in 2003, and said hi to them.

I saw Preacher Thomas on the bus once in Winston-Salem, North Carolina in 2002, and said hi to him.

I ran into Abel Rivera on the bus in Tucson, Arizona in August 2001, and we hung around together for about a week. We shared memories about how Ringling mistreats the elephants.

I spoke to Kelly Tanzy, the clown from Seattle who worked for Ringling, at a PAWS conference in 2000. He was also speaking out against the way Ringling treats the animals.

Interrogatory No. 22:

Describe every circus performance or any other activity involving the presentation of animals, including performances or activities of the Ringling Bros. and Barnum & Bailey Circus, that you viewed or witnessed since you left defendants' employ.

Response to Interrogatory No. 22:

I have not been to any circuses performances by Ringling Brothers or any other circus since I left Ringling. I have seen Ringling setting up the tent and walking the elephants, wherever I had a chance and an opportunity. Please refer to my answer to Interrogatory No. 17

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:

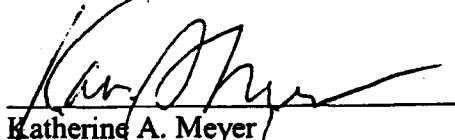
Describe the subject and substance of the testimony that would be given by each person

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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(202) 588-5206

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.

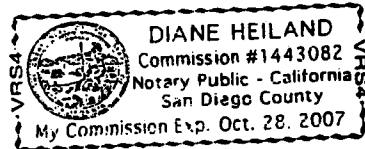
[Handwritten Signature]

TOM RIDER

Sworn to before me this
03rd day of June, 2004

[Handwritten Signature]

Notary Public



My Commission Expires:

10-28-2007