# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

.

Plaintiffs,

v. : Case No. 03-2006 (EGS/JMF)

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

:

Defendants.

## **EXHIBIT 5**

## TO

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF FEI'S MOTION TO COMPEL DISCOVERY FROM PLAINTIFF TOM RIDER AND FOR SANCTIONS, INCLUDING DISMISSAL

	1	IN THE UNITED STATES DISTRICT COURT
	2	FOR THE DISTRICT OF COLUMBIA
	3	X
	4	AMERICAN SOCIETY FOR THE :
	5	PREVENTION OF CRUELTY TO :
	6	ANIMALS, et al., :
	7	Plaintiffs, :
	8	V. : Case No. 03-2006 (EGS)
	9	RINGLING BROS. AND BARNUM & :
	10	BAILEY CIRCUS, et al., :
	11	Defendants. :
	12	X
	13	Washington, D.C.
	14	Tuesday, July 19, 2005
	15	Videotaped deposition of LISA WEISBERG, a
	16	witness herein, called for examination by counsel for
	17	Defendants in the above-entitled matter, pursuant to
	18	notice, the witness being duly sworn by MARY GRACE
	19	CASTLEBERRY, a Notary Public in and for the District
	20	of Columbia, taken at the offices of Covington &
١	21	Burling, 1201 Pennsylvania Avenue, N.W., Washington,
	22	D.C., at 9:40 a.m., Tuesday, July 19, 2005, and the
	23	proceedings being taken down by Stenotype by MARY
	24	GRACE CASTLEBERRY, RPR, and transcribed under her
	25	direction.
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1		4	Lisa Weisberg
4	KIMBERLY OCKENE, ESQ.	5	10 - Lobbying Expenditures by Electing 64
5	Meyer Glitzenstein & Crystal	6	Public Charities form
6	1601 Connecticut Avenue, N.W.	_	
7	Washington, D.C. 20009	7	II D David of the Library
8	(202) 588-5206	8	12 - May 20, 2004 letter from to Lisa 113
9		9	Weisberg from Gisele Gomez
10	On behalf of the Defendants:		13 - Cruelty Complaint 114
11	MAURA A. DALTON, ESQ.		14 - Cruelty Complaint 117
12		12	15 - Cruelty Complaint 121
13			16 - Cruelty Complaint 125
14			17 - Activity Card 129
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17		17	to Fellow Action Team Member 20 - June 16, 2000 letter to John Harwood 148
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1	with USDA inspectors citing violations by Ringling	1	Q. This is a check request for Meyer
2	Bros.	2	Glitzenstein dated July 17th, 2003, correct?
3	Q. Is this the report that you've entitled	3	A. Correct.
4	government-sanctioned abuse that was produced to the	1	Q. And your name is again the person who
5	defendants in this case?	5	requested the check, correct?
6	A. Yes.	6	A. Correct.
7	Q. And what are the contents of this report	7	Q. And the reason given for the check is work
8	generally?	8	on Ringling Bros. suit, dash, enforcement report?
9	A. It discusses the conditions and subsequent	9	A. Correct.
10	death of Kenny, it talks about the death of Benjamin,	10	Q. Does this mean that the enforcement report
11	it talks about the USDA's policy of nonenforcement of	11	was seen as part of the Ringling Bros. suit?
12	the not pursuing prosecution of the various	12	A. It was separate, but it was certainly
13	violations cited by USDA inspectors.	13	based on the Freedom of Information Act and what is
14	Q. Are there drafts of this report?	14	considered publicly available documents. We were
15	A. No.	15	simply disseminating public information to the public
16	Q. Whose idea was it to draft this report?	16	at large.
17	A. The plaintiffs.	17	MS. DALTON: I would like to mark Exhibit
18	Q. So when you say the plaintiffs, you mean	18	<b>6.</b>
19	the ASPCA, the Fund For Animals, Animal Welfare	19	(ASPCA Exhibit No. 6 was
20	Institute and Tom Rider?	20	marked for identification.)
21 22	A. Correct.	21	BY MS. DALTON:
23	Q. When was it decided to draft this report?	22	Q. This is another request for a check to
24	A. I believe it was sometime in 2002.	23	Meyer Glitzenstein from the ASPCA, correct?
25	<ul><li>Q. So this was after the lawsuit was filed?</li><li>A. Yes.</li></ul>	25	A. Correct.
- 23	Λ. 1ω.	23	Q. And who is Patricia E. Jones who requested
	Page 39		Page 41
1	Q. Was this report generated as part of your	1	this check?
2	efforts in this lawsuit?	2	A. She was our vice president of media
3	A. I don't recall.	3	relations at the time.
4	Q. Who wrote the report?	4	Q. Did you ask Ms. Jones to request this
5	A. It was drafted and edited by the various	5	check?
6	plaintiffs.	6	A. I don't recall.
7	Q. Was the ASPCA responsible for a piece of	7	Q. Can you turn to the next page, which is
8	the report?	8.	A-00895, and take a look at that? Does that help you
9	A. Not specifically.	9	recall whether or not you asked Ms. Jones to issue
10	Q. To whom was this report disseminated?	10	this check?
12	<ul> <li>A. To the public at large.</li> <li>O. How was it disseminated to the public at</li> </ul>	11	A. I believe we had a discussion regarding
13	Q. How was it disseminated to the public at large?	12 13	which account this would be billed to.
14	A. We issued a press release about it, we	14	Q. Between media
15	forwarded it to various media outlets who were	15	A. And government affairs.
16	interested in it, it was posted on some of our	16	Q and government affairs. What services were included in this media support that the funds
17	websites.	17	were going to pay for?
18	Q. How did you decide which groups would	18	A. Again, I believe it was for the
19	participate in drafting this report?	19	dissemination of the report, copies and dissemination
20	A. I don't recall.	20	of the report to the media.
21	MS. DALTON: I would like to mark Exhibit		Q. So this specific check request was also in
	5.	22	regards to the enforcement report?
23	(ASPCA Exhibit No. 5 was	23	A. Yes.
123	•	-	
24	marked for identification.)	24	O. So there were no other media support
1	marked for identification.) BY MS. DALTON:	24	Q. So there were no other media support efforts separate from the enforcement report that

	2 42		Page 44
	Page 42		
1	were compensated through this check request?	1	Rider exceeding the \$6,000 grant to the Wildlife
2	A. I don't believe so.	2	Advocacy Project for first quarter 2002."
3	Q. Were any of the services provided in this	3	A. Correct.
4	media support provided by Tom Rider?	4	Q. And I can't really read this writing in
5	A. Yes.	5	the parenthetical. It looks as though it says 400 of
6	Q. And what did Tom Rider do in regards to	6	this, and I don't know if you can help me out with
7	this media support?	7	the end of that.
8	A. He would meet with various reporters and	8	A. Covers zoom camera, charge to capital
9	media channels to discuss his experience with	9	budget with a question mark.
10	Ringling Bros. and the training of the elephants.	10	Q. Okay, thank you. And you said that the
11	Q. Do you know if any of the funds provided	11	Wildlife Advocacy Project was an organization that
12	in this check went to Mr. Rider as compensation for		was created by Meyer Glitzenstein to advocate the
13	those efforts?	13	humane treatment of wildlife and preservation of
14	A. Some of the copies of the report may have	14	habitat?
15	been given to Mr. Rider to accompany his visits to	15	A. That's correct.
16	the media.	16	Q. Can you tell me a little bit more about
17	Q. But that's the only type of compensation	17	what the Wildlife Advocacy Project does in more
18	that was provided to Mr. Rider through this?	18	concrete terms?
19	A. Correct.	19	A. I can't.
20	Q. Do you know who at Meyer Glitzenstein	20	Q. Do you know if certain people at Meyer Glitzenstein are involved in the Wildlife Advocacy
21	provided this media support?	21 22	Project?
22	A. I believe it was Darcy Kemitz at the time.	23	A. Yes.
23	<ul><li>Q. And who is Ms. Kemitz?</li><li>A. She used to work for the Wildlife Advocacy</li></ul>	ļ	Q. And who is involved in the Wildlife
24		25	Advocacy Project?
25	Project at Meyer Glitzenstein.	23	
	Page 43		Page 45
1	Q. What is the Wildlife Advocacy Project?	1	A. I believe it's Kathy Meyer and Eric
2	A. It's a 501(c)(3) organization.	2	Glitzenstein.
3	Q. And is it associated with Meyer &	3	Q. What is the ASPCA's role in the Wildlife
4	Glitzenstein?	4	Advocacy Project?
5	A. Yes.	5	A. We provided a grant to them to enable Tom
6	Q. How so?	6	Rider to do his public outreach and education about
7 8	A. It is a I'm not sure I can fully answer	8	the treatment by Ringling Bros. of its Asian elephants.
9	that. Q. Just whatever you know about it.	9	Q. And that was what the I'm sorry, the
10	A. My understanding is it is an organization	,	\$6,000 referred to in the check request was this
11	that was created by Meyer & Glitzenstein to advocate	1	
12	for the humane treatment of wildlife and preservation	1	A. Correct.
13	of habitat.	13	Q. And the check request for \$526.16 is
14	MS. DALTON: I would like to mark Exhibit	14	additional funding over the original allotment in the
15	Number 7.	15	budget for this project?
16	(ASPCA Exhibit No. 7 was	16	A. Correct.
17	marked for identification.)	17	Q. And \$400 of this was for a zoom camera?
18	BY MS. DALTON:	18	A. Correct.
19	Q. And this is another check request for	19	Q. Was the zoom camera to be used by
20	Meyer & Glitzenstein dated April 4th, 2002, correct?		Mr. Rider?
21	A. Correct.	21	A. Yes.
22	Q. And it was requested by you?	22	Q. And for what purpose was the zoom camera
23	A. Yes.	23	to be used by him?
		1 .	
24 24 25	Q. And the reason given for the reimbursement	24	A. To gather additional information about the treatment and chaining of the elephants by Ringling

	Page 46		Page 48
		1	any additional funds for his participation in this
1	Bros.	2	project from other plaintiffs?
2	Q. What other activities were covered in the	3	A. I can't answer that.
3	\$6,000 grant?		
4	A. They were to reimburse Tom Rider for his	4	
5	general living expenses to travel the country and	5	A. I don't recall.  MS. DALTON: I would like to mark Exhibit
6	meet with the media.	6	
7	Q. Did you have any direct did you provide	7	8.
8	Mr. Rider with any direct payments or were all of	8	(ASPCA Exhibit No. 8 was marked for identification.)
9	your that's my question. Did you provide him with	9	BY MS. DALTON:
10	any direct payments?	10	
11	A. Yes, in 2003, I believe.	11	Q. And this is another check request
12	Q. Did you provide that check request to us?	12	requested by you for the check made payable to Meyer
13	A. I believe I did.	13	& Glitzenstein for, quote, "Tom Rider testimony at
14	MS. DALTON: I don't recall that, so Kim,	14	Mass. legislative hearing on anticircus bill,"
15	if we could perhaps discuss that. We didn't receive	15	correct?
16	any check request for Mr. Rider specifically.	16	A. Correct.
17	THE WITNESS: Well, they weren't to	17	Q. And this was dated May 23rd, 2003,
18	Mr. Rider, the check requests. We would either	18	correct?
19	advance money to him to purchase a Greyhound bus	19	A. Correct.
20	ticket or to reimburse him for his daily living	20	Q. Why did the ASPCA reimburse Mr. Rider for
21	expenses or I would prepay his hotel rooms. So there	21	this testimony?
22	was never any checks written to Mr. Rider.	22	A. That covered his transportation and hotel
23	BY MS. DALTON:	23	costs to get to Massachusetts, to get to Boston to
24	Q. So there aren't any documents that would	24	testify at the hearing.
25	reflect any of those purchases or any of those	25	Q. Why did the ASPCA not reimburse Mr. Rider
	Page 47		Page 49
	Page 47	1	directly for his work on this project?
1	Page 47 monetary advances?	1 2	directly for his work on this project?  A. At the time, we had no way of getting the
1 2	Page 47 monetary advances?  A. The hotel rooms were oftentimes put on my	2	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and
1 2 3	Page 47 monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the	2	directly for his work on this project?  A. At the time, we had no way of getting the
1 2 3 4	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through	2	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.
1 2 3 4 5	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.	2 3 4	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.
1 2 3 4 5 6	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?	2 3 4 5	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.
1 2 3 4 5 6 7	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.	2 3 4 5 6	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the
1 2 3 4 5 6 7 8	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct. Q. Can you think of any other direct payments	2 3 4 5 6 7	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.
1 2 3 4 5 6 7 8 9	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the	2 3 4 5 6 7 8 9	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about
1 2 3 4 5 6 7 8 9	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the years besides 2003?	2 3 4 5 6 7 8 9	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros.
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1 2 3 4 5 6 7 8 9 10 11	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the years besides 2003?  A. No.  Q. Returning to Exhibit 7. So if you could	2 3 4 5 6 7 8 9 10 11	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros.  Q. Did Mr. Rider know that the ASPCA was
1 2 3 4 5 6 7 8 9 10 11 12 13	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the years besides 2003?  A. No.  Q. Returning to Exhibit 7. So if you could tell me — if you could go into more detail as to	2 3 4 5 6 7 8 9 10	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros.  Q. Did Mr. Rider know that the ASPCA was providing this funding?
1 2 3 4 5 6 7 8 9 10 11 12 13 14	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the years besides 2003?  A. No.  Q. Returning to Exhibit 7. So if you could tell me if you could go into more detail as to what the \$6,000 grant was originally for.	2 3 4 5 6 7 8 9 10 11 12 13	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros.  Q. Did Mr. Rider know that the ASPCA was providing this funding?  A. I believe so.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the years besides 2003?  A. No.  Q. Returning to Exhibit 7. So if you could tell me if you could go into more detail as to what the \$6,000 grant was originally for.  A. Again, it was to reimburse Mr. Rider for	2 3 4 5 6 7 8 9 10 11 12 13	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros.  Q. Did Mr. Rider know that the ASPCA was providing this funding?  A. I believe so.  Q. Have any other payments from the ASPCA to
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the years besides 2003?  A. No.  Q. Returning to Exhibit 7. So if you could tell me if you could go into more detail as to what the \$6,000 grant was originally for.  A. Again, it was to reimburse Mr. Rider for his Greyhound bus tickets, to travel the country,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros.  Q. Did Mr. Rider know that the ASPCA was providing this funding?  A. I believe so.  Q. Have any other payments from the ASPCA to Meyer & Glitzenstein included funds that were
1 2 3 4 5 6 7 8 9 100 111 12 13 14 15 16 17	monetary advances?  A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash.  Q. And those were all in 2003?  A. Correct.  Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the years besides 2003?  A. No.  Q. Returning to Exhibit 7. So if you could tell me if you could go into more detail as to what the \$6,000 grant was originally for.  A. Again, it was to reimburse Mr. Rider for his Greyhound bus tickets, to travel the country, basic day-to-day living expenses, food, lodging.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	directly for his work on this project?  A. At the time, we had no way of getting the money to Mr. Rider because he was on the road and Meyer & Glitzenstein was able to wire the money to him.  Q. Did you consult with Mr. Rider about the contents of his testimony?  A. Of the contents of his testimony?  Q. Yes, referred to in this exhibit.  A. No. Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros.  Q. Did Mr. Rider know that the ASPCA was providing this funding?  A. I believe so.  Q. Have any other payments from the ASPCA to Meyer & Glitzenstein included funds that were intended to go to Mr. Rider?
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	Page 50		Page 52
1	A. Yes.	1	costs.
2	Q. And what is the subject of this e-mail?	2	Q. So you spoke with the two other
3	A. It has to do with Tom Rider, who is the	3	plaintiffs, the AWI and the Fund For Animals,
4	co-plaintiff on the suit, has just left the	4	regarding this?
5	employment of PAWS and	5	A. Yes.
6	Q. I was actually just asking you what the	6	Q. Did you decide to pay these expenses
7	subject was.	7	directly?
8	A. I'm sorry. Ringling Bros. lawsuit, Tom	8	A. Directly to Mr. Rider?
9	Rider.	9	Q. Yes.
10	Q. And in the first sentence, you say that	10	A. I believe at the time, because one of the
111	"Tom Rider, who is a co-plaintiff in the suit and a	11	difficulties was how to get the money to him because
12	former Ringling elephant trainer, had just left the	12	he was always on the road and didn't have a permanent
13	employ of Pat Derby's group," correct?	13	home.
14	A. Correct.	14	Q. Yes, you said that, because one of the
15	Q. What is your basis for knowing that	15	difficulties, so
16	Mr. Rider was an elephant trainer at Ringling Bros.	16	A. So
17	A. He told me.	17	Q. So you were paying him directly because he
18	Q. Why would Tom Rider have left PAWS?	18	was out on the road?
19	A. I can't answer that.	19	A. We were not paying him directly at the
20	Q. Might it be because PAWS dropped out of	20	
21	this lawsuit?	21	Q. Okay. So let's just clear because you
22	A. I don't recall if that's the only reason.	22	
23	Q. What did you mean by stating that he,	23	
24	quote, "wanted to ensure he would not be taken off	24	•
25	the suit"?	25	A. No, not at that time.
	Page 51		Page 53
1	A. I don't recall.	1	Q. How did you pay him?
2	Q. Did you speak with Mr. Rider about his	2	A. The money was wired to wherever he was
3	decision to leave PAWS?	3	through Western Union by Meyer & Glitzenstein and
4	A. No.	4	then we would be invoiced for it.
5	Q. Did you speak to Mr. Rider before sending	5	Q. Why did you not wire the money directly
6	this e-mail to Dr. Hawk?	6	yourself?
7	A. I don't believe I spoke directly to him.	7	A. I believe because Meyer & Glitzenstein
8	Q. Who do you think you learned this	8	already had an account set up.
9	information from?	9	Q. Did you send any additional e-mails
10	A Thaliana Yanan Lana Lana 14 Cons. N	1 1 / 1	
177	A. I believe I may have learned it from Nancy		requesting that this money be forwarded to Mr. Rider?
	Blaney.	11	requesting that this money be forwarded to Mr. Rider?  A. Any additional e-mails to Dr. Hawk?
12	Blaney. Q. Why could Rider not be employed if he is	11 12	requesting that this money be forwarded to Mr. Rider?  A. Any additional e-mails to Dr. Hawk?  Q. To anybody at the ASPCA regarding this
12 13	Blaney.  Q. Why could Rider not be employed if he is to follow the circus?	11 12 13	requesting that this money be forwarded to Mr. Rider?  A. Any additional e-mails to Dr. Hawk?  Q. To anybody at the ASPCA regarding this money.
12 13 14	<ul><li>Q. Why could Rider not be employed if he is to follow the circus?</li><li>A. Because he's constantly on the road.</li></ul>	11 12	requesting that this money be forwarded to Mr. Rider? A. Any additional e-mails to Dr. Hawk? Q. To anybody at the ASPCA regarding this money. A. I may have had correspondence with Nancy
12 13 14 15	<ul> <li>Q. Why could Rider not be employed if he is to follow the circus?</li> <li>A. Because he's constantly on the road.</li> <li>Q. Did you ever consider hiring Mr. Rider at</li> </ul>	11 12 13 14	requesting that this money be forwarded to Mr. Rider?  A. Any additional e-mails to Dr. Hawk?  Q. To anybody at the ASPCA regarding this money.  A. I may have had correspondence with Nancy Blaney at the time.
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12 13 14 15 16 17 18	Blaney. Q. Why could Rider not be employed if he is to follow the circus? A. Because he's constantly on the road. Q. Did you ever consider hiring Mr. Rider at the ASPCA? A. No. Q. Did anybody ever suggest that you do so?	11 12 13 14 15 16 17 18	requesting that this money be forwarded to Mr. Rider?  A. Any additional e-mails to Dr. Hawk?  Q. To anybody at the ASPCA regarding this money.  A. I may have had correspondence with Nancy Blaney at the time.  Q. But all documents that you still have in your custody have been produced?  A. Correct.
12 13 14 15 16 17 18 19	O. Why could Rider not be employed if he is to follow the circus?  A. Because he's constantly on the road. Q. Did you ever consider hiring Mr. Rider at the ASPCA?  A. No. Q. Did anybody ever suggest that you do so? A. No. Q. Did you ever discuss this arrangement with anybody from AWI?	11 12 13 14 15 16 17 18 19	requesting that this money be forwarded to Mr. Rider?  A. Any additional e-mails to Dr. Hawk?  Q. To anybody at the ASPCA regarding this money.  A. I may have had correspondence with Nancy Blaney at the time.  Q. But all documents that you still have in your custody have been produced?  A. Correct.  Q. Why is there no check request or invoice for this thousand dollar payment included in the document production that was provided to the
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is the larger exhibit. It's the interrogatory responses from your organization. If you could turn to page 33 of that for me, which is interrogatory 3 4 number 22.

5 This interrogatory asks for each expenditure from 1997 to the present of, quote, "financial and other resources made while pursuing 7 alternate sources of information about defendants' 9 actions and treatment as alleged in the complaint," 10 correct?

11 A. Correct.

12 Q. And the response to this request details a 13 number of different expenditures, correct?

Correct. 14

First, in 2000, it talks about the ASPCA 15 spending about 5 percent of its time and benefits of 16

the head of its D.C. office as well as 5 percent of 17 the overhead of that office gathering information 18

from other organizations about Ringling Bros.' 19

treatment of Asian elephants, correct? 20

21 A. Correct.

22 Do you know what information was gathered? Q.

23 A. Not specifically.

24 Generally? O.

Generally, information that other groups 25 A.

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Page 57

- O. Next, in 2001, we see an expenditure to 1 the Wildlife Advocacy Project for a grant of \$7,400
- for public education about Ringling Bros.'

mistreatment of Asian elephants, correct? 5

A. Correct.

6 And the Wildlife Advocacy Project is the group that we discussed that is associated with the law firm of Meyer & Glitzenstein, correct?

A. Correct.

What did this, quote, public education, Q. 11 end quote, project entail?

12 A. That was funding Tom Rider to travel around the country and meet with the various media 13 outlets, as well as testifying at public hearings in 14 15 support of legislation to ban wild and exotic 16 animals.

Q. Why did the ASPCA not include as part of 17 18 its responses to defendants' document requests, any check requests or any documents relating to this 20 payment?

A. We did.

22 Q. And can you refer me to that document? 23 According to my review of those documents, the only check requests we received were from 2002 and 2003 24

One was the \$6,000 check request, which

Page 55

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had about Ringling Bros.' treatment and use of the bullhook and the chaining and the forcible removal of

3 the babies.

4 Q. And from what groups was this information 5 gathered?

A. I believe it included PAWS, Performing 7 Animal Welfare Society. I'm trying to remember the name. There was an elephant -- I don't recall the 9 exact name, Elephant Alliance. It was a group 10 located in California. I was not in charge of

11 gathering that information, so I can't be more 12 specific than that.

15

16

23

13 Q. Who was in charge of gathering this 14 information?

A. Nancy Blaney.

Q. And it says that gathering this

information culminated in the ASPCA's decision to

18 become co-plaintiffs' in this action? 19

A. Correct.

20 Q. And that refers to the decision-making

21 process that we discussed earlier? 22

A. Correct.

Do you know who was responsible for

24 issuing invitations to be plaintiffs in this case? 25

A. I believe it was PAWS.

I'm not finding --

Q. We actually did not receive the \$6,000 check request. We received the check request for a 4 supplement to the \$6,000 check request.

5 A. Okay. It may have been -- I believe it 6 was billed from Meyer & Glitzenstein as part of their 7 general invoice. I don't recall.

8 Q. Who decided to spend the \$7,400 for public 9 education through the Wildlife Advocacy Project at 10 the ASPCA?

A. I was involved in that decision. I believe Nancy Blaney was involved in that decision and I believe Dr. Hawk needed to sign off on that check request.

15 Q. Next, from 2002 to 2004, you list expenditures that relate to a percentage of your 16 17 salary and benefits plus an expenditure for a lawsuit 18 filed under the Freedom of Information Act to obtain 19 documents related to Ringling Bros., correct?

Correct.

How did you determine what portion of your salary to allocate to this response?

A. It was an approximation.

24 What part of your job entailed, quote,

25 pursuing alternative sources of information about

	Page 74		Page 76
1 7		1	were going to the Wildlife Advocacy Project?
1	•	2	A. It may have.
2	regarding the lawsuit and speak to various reporters	3	Q. And would it have included the payment of
3	who inquired about it.	4	\$5,180 listed in Exhibit 4 and the payment of \$526
4	Q. Did any of those funds go to support	5	included in Exhibit 7?
5	Mr. Rider's media efforts?	6	A. I believe so.
6	A. I don't believe so.	7	
7	Q. And again, you list the Animal Watch	8	Q. Next you listed a humane law enforcement investigation for \$250.
8	articles and I'm assuming that that calculation is	9	A. Correct.
9	the same for prior years and it represents a page and	10	
10	a half approximately?	11	
11	A. Correct.		
12	Q. In 2002, you again have the 10 percent of	12	our humane law enforcement agents made of Ringling
13	salary and benefits for government affairs in New	13	Bros. elephants when they were at Madison Square
14	York. You do not have D.C. listed. Why is that?	14	Garden.
15	A. We closed our D.C. office right after	15	Q. And your media relations expenses are
16	9/11.	16	broken down a little bit further.
17	Q. And you say Midwest and California Midwest	17	A. Correct.
18	staff.	18	Q. So what in particular is the video news
19	A. Correct.	19	• • • • • • • • • • • • • • • • • • • •
20	Q. Is the Midwest office the same office as	20	A. That was a production of Tom Rider
21	in Illinois?	21	speaking about his experience working for Ringling
22	A. Correct.	22	Bros. and what he eyewitnessed as well as the
23	Q. And what is your California Midwest staff?	23	lawsuit.
24	A. Oh, I'm sorry. That was a typo.	24	Q. And again, you have the Animal Watch
25	California staff is one person in the San Luis Obispo	25	articles which again I'm going to assume, unless you
	Page 75		Page 77
1	area.	1 -	
		1	say differently, is the approximately one and a half
2	Q. And who is that person?	2	say differently, is the approximately one and a half pages.
1	<ul><li>Q. And who is that person?</li><li>A. Jill Buckley.</li></ul>	1	pages. A. Correct.
2	A. Jill Buckley. Q. And what are Ms. Buckley's	2	pages.
2 3	A. Jill Buckley.	2	pages. A. Correct.
2 3 4	A. Jill Buckley. Q. And what are Ms. Buckley's responsibilities? A. She is responsible for lobbying on animal	2 3 4 5 6	pages. A. Correct. Q. Moving on to 2003, you have the same
2 3 4 5	A. Jill Buckley. Q. And what are Ms. Buckley's responsibilities?	2 3 4 5	pages. A. Correct. Q. Moving on to 2003, you have the same benefits for New York, the Midwest and the California staff. A. Correct.
2 3 4 5 6	A. Jill Buckley. Q. And what are Ms. Buckley's responsibilities? A. She is responsible for lobbying on animal	2 3 4 5 6	pages. A. Correct. Q. Moving on to 2003, you have the same benefits for New York, the Midwest and the California staff. A. Correct. Q. And 10 percent of supporting expenses is
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22	A. Jill Buckley. Q. And what are Ms. Buckley's responsibilities? A. She is responsible for lobbying on animal protection legislation on the West Coast. Q. In the state of California? A. California is included. Q. And what other states? A. Arizona, Washington, Oregon. I'm trying to think what other states she has. I think she has the Dakotas and Idaho, to the best of my knowledge. Q. And what in particular did she work on that made you include her salary and benefits in this calculation? A. There were various bills pending in her states having to do with prohibiting wild and exotic animals being used for entertainment. Q. And the next entry I want to talk to you about is the next Meyer & Glitzenstein payment of \$10,151. And does that include any payment that you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	pages.  A. Correct.  Q. Moving on to 2003, you have the same benefits for New York, the Midwest and the California staff.  A. Correct.  Q. And 10 percent of supporting expenses is the legislative alerts?  A. Correct.  Q. And Meyer & Glitzenstein again for the Ringling lawsuit?  A. Correct.  Q. In addition to the invoices you provided to us that I've marked as Exhibit 5, Exhibit 6 and Exhibit 8, can you think of any other expenses included in that \$16,000 that may have gone to Tom Rider?  A. No.  Q. Or other expenses that may have gone to the Wildlife Advocacy Project?  A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Jill Buckley. Q. And what are Ms. Buckley's responsibilities? A. She is responsible for lobbying on animal protection legislation on the West Coast. Q. In the state of California? A. California is included. Q. And what other states? A. Arizona, Washington, Oregon. I'm trying to think what other states she has. I think she has the Dakotas and Idaho, to the best of my knowledge. Q. And what in particular did she work on that made you include her salary and benefits in this calculation? A. There were various bills pending in her states having to do with prohibiting wild and exotic animals being used for entertainment. Q. And the next entry I want to talk to you about is the next Meyer & Glitzenstein payment of \$10,151. And does that include any payment that you knew was going to Mr. Rider?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	pages.  A. Correct.  Q. Moving on to 2003, you have the same benefits for New York, the Midwest and the California staff.  A. Correct.  Q. And 10 percent of supporting expenses is the legislative alerts?  A. Correct.  Q. And Meyer & Glitzenstein again for the Ringling lawsuit?  A. Correct.  Q. In addition to the invoices you provided to us that I've marked as Exhibit 5, Exhibit 6 and Exhibit 8, can you think of any other expenses included in that \$16,000 that may have gone to Tom Rider?  A. No.  Q. Or other expenses that may have gone to the Wildlife Advocacy Project?  A. No.  Q. And again, you've listed a humane law
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22	A. Jill Buckley. Q. And what are Ms. Buckley's responsibilities? A. She is responsible for lobbying on animal protection legislation on the West Coast. Q. In the state of California? A. California is included. Q. And what other states? A. Arizona, Washington, Oregon. I'm trying to think what other states she has. I think she has the Dakotas and Idaho, to the best of my knowledge. Q. And what in particular did she work on that made you include her salary and benefits in this calculation? A. There were various bills pending in her states having to do with prohibiting wild and exotic animals being used for entertainment. Q. And the next entry I want to talk to you about is the next Meyer & Glitzenstein payment of \$10,151. And does that include any payment that you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	pages.  A. Correct.  Q. Moving on to 2003, you have the same benefits for New York, the Midwest and the California staff.  A. Correct.  Q. And 10 percent of supporting expenses is the legislative alerts?  A. Correct.  Q. And Meyer & Glitzenstein again for the Ringling lawsuit?  A. Correct.  Q. In addition to the invoices you provided to us that I've marked as Exhibit 5, Exhibit 6 and Exhibit 8, can you think of any other expenses included in that \$16,000 that may have gone to Tom Rider?  A. No.  Q. Or other expenses that may have gone to the Wildlife Advocacy Project?  A. No.

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- A. I don't believe it was the Ringling Bros. 1
- Circus. It could have been the Clyde Beatty circus. 2
- 3 Media relations you've listed at 5 percent 4 of staff time.
  - A. Correct.

5

- And what types of activities would that 6 O. 7 have entailed?
- A. I believe that was their work on 8
- publicizing the enforcement report and any
- developments related to the lawsuit. 10
- 11 O. When you say enforcement report, that's
- 12 the report we discussed earlier, correct?
- 13 Correct.
- And Animal Watch articles, again, I'm 14 Q.
- 15 going to assume are those --
- A. Correct. 16
- 17 -- approximately one and a half pages. In
- 2004, you have the same salary and benefits which I'm 18
  - assuming is the same calculation method.
- 20 Correct.
- 21 Along with your 10 percent of legislative
- alerts that are listed as supporting expenses. 22
- 23 A. Correct.
- Q. And next you have \$5,000 to Meyer & 24
- 25 Glitzenstein?

1

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- Correct.
- To your knowledge, were any of those 2 3 payments intended to end up with Mr. Rider?
- 5 Were any of those payments intended to end up with the Wildlife Advocacy Project? 6
  - A. No.
- 8 Q. And media relations, it says approximately
- 5 percent of staff time. And what efforts were those
- made -- what efforts did those include? 10
- A. They included any kind of support with the 11
- 12 media in discussing the lawsuit.
- 13 Q. Was there a reason why the ASPCA did not
- 14 provide any funding either directly or indirectly to
- 15 Mr. Rider following 2003?
- 16 A. We had other budgetary needs and we felt
- 17 that, for the most part, Mr. Rider had, in previous
- 18 years, done a very good job in working with the media
- 19 to discuss the issue.
- 20 Q. Did you feel as though Mr. Rider had other
- 21 financial support for his efforts?
- 22 A. I do not recall.
- 23 Q. Do you know if the other plaintiffs in
- 24 this lawsuit were still providing Mr. Rider with
- 25 funding following 2003?

They may have.

O. Did you have any discussions with any of

the other plaintiffs regarding continuing funding 3 past 2003?

- A. Yes.
- O. And what were those discussions?

MS. OCKENE: I'm going to object just to 7

the extent that it calls for attorney-client

communications and instruct you not to answer, just 9 to the extent it would include such conversations.

BY MS. DALTON:

12 You can continue, with that instruction.

13 So if there were any conversations that you had that did not involve anybody from Meyer & Glitzenstein,

15 please let me know what those are.

16 A. I'm sorry, I'm not supposed to answer 17 that, correct?

18 MS. OCKENE: To the extent that you had 19 discussions that didn't involve us, your lawyers, you

20 can answer the question. Maybe you want to repeat -21 BY MS. DALTON:

22 Q. My question is, did you have any

23 communications with any of your co-plaintiffs

regarding whether or not to provide Mr. Rider with

any continuing funding past 2003?

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- A. Yes. Both with the Fund For Animals and
- AWI and recognizing the good work that Mr. Rider was
- doing and the ASPCA's inability to continue funding
- his expenses to continue that work due to other
  - budgetary needs.
- Q. As a result of ASPCA's inability to
- continue funding those expenses, did the Fund For
- 8 Animals continue to provide Mr. Rider with continuing
- 9 funding past 2003?
- 10 A. I believe they funded some of those expenses.
- 11
- 12 Q. Were you told of those expenses or their
- 13 funding of those expenses during this conversation?
- 14 A. There was a discussion about what those
- 15 expenses typically would amount to and whether they
- 16 could fund them as well.
- 17 O. And what about the Animal Welfare
- 18 Institute. Did they continue funding Mr. Rider
- 19 following this conversation?
- 20 A. I believe they funded him in part. 21
  - Q. So following 2003, to the best of your
- 22 knowledge, while ASPCA was not providing any funding
- 23 to Mr. Rider, the AWI and the Fund For Animals were?
- 24 A. That's correct.
  - Do you know if this funding was being

21 (Pages 78 to 81)

25

	Page 82	-	Page 84
		1	_
1	provided through the Wildlife Advocacy Project?	1 2	had provided you may have provided some of that some funding to the Wildlife Advocacy Project through
2	A. I do not know.	3	your invoices to Meyer & Glitzenstein, is that
3	Q. As we're on the topic of funding, I would	4	correct?
4	like to just go back and find out what else you know about the Wildlife Advocacy Project. Do you know	5	A. That's correct.
5		6	Q. Can you estimate approximately what
6 7	when this project was formed?  A. I do not.	7	percentage of the Wildlife Advocacy Project expenses
8	A. I do not. Q. When did you learn of it?	8	would have been included in your payments to Meyer &
9	A. I believe it was in 2001 or 2002.	9	Glitzenstein?
10	O. So prior to 2001, to the best of your	10	A. Overall percentage I mean, overall
11	knowledge, you didn't know that this entity existed?	11	expenses to Meyer & Glitzenstein?
12	A. Correct.	12	Q. Exactly. And just in 2001 at this point.
13	Q. Do you know if the Wildlife Advocacy	13	A. I believe it was \$7,400 of the \$9,000.
14	Project is separately incorporated?	14	Q. And that \$7,400 was all intended to go to
15	A. I believe it is.	15	Mr. Rider?
16	Q. And you said before it was incorporated as	16	MS. OCKENE: Objection to form.
17	a 501(c)(3), to your knowledge?	17	THE WITNESS: Sorry?
18	A. Correct.	18	MS. OCKENE: I was just objecting to form.
19	Q. Can you describe in a little bit more	19	You can answer.
20	detail what your understanding of what the Wildlife	20	BY MS. DALTON:
21	Advocacy Project does?	21	Q. And you said that \$7,400 of the \$9,000 was
22	A. My understanding is that they advocate for	22	marked as a payment to the Wildlife Advocacy Project?
23	the humane treatment of wildlife and the preservation	23	A. Correct.
24	of the species and their habitat.	24	Q. What in particular was the \$7,400 a
25	Q. When you say wildlife and the preservation	25	payment for?
	Page 83		Page 85
1	of the species and their habitat, are you referring	_	
		1	A. It was to reimburse Mr. Rider for his
2	to a particular species?	1 2	A. It was to reimburse Mr. Rider for his travel and general living expenses as he toured the
2		İ	
1	to a particular species?	2	travel and general living expenses as he toured the country speaking with the media.  Q. And in 2002, of your total payments to
3	to a particular species?  A. No, just generally.	2	travel and general living expenses as he toured the country speaking with the media.  Q. And in 2002, of your total payments to Meyer & Glitzenstein, what would you estimate was the
3 4 5 6	to a particular species?  A. No, just generally.  Q. Do you know is anybody employed by the Wildlife Advocacy Project?  A. I do not know.	2 3 4 5 6	travel and general living expenses as he toured the country speaking with the media.  Q. And in 2002, of your total payments to
3 4 5 6 7	to a particular species?  A. No, just generally.  Q. Do you know is anybody employed by the Wildlife Advocacy Project?  A. I do not know.  Q. Do you know if they have any board	2 3 4 5 6 7	travel and general living expenses as he toured the country speaking with the media.  Q. And in 2002, of your total payments to Meyer & Glitzenstein, what would you estimate was the payment intended for the Wildlife Advocacy Project?  A. There was none.
3 4 5 6 7 8	to a particular species?  A. No, just generally.  Q. Do you know is anybody employed by the Wildlife Advocacy Project?  A. I do not know.  Q. Do you know if they have any board members?	2 3 4 5 6 7 8	travel and general living expenses as he toured the country speaking with the media.  Q. And in 2002, of your total payments to Meyer & Glitzenstein, what would you estimate was the payment intended for the Wildlife Advocacy Project?  A. There was none.  Q. Although there were no payments intended
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3 4 5 6 7 8 9 10	to a particular species?  A. No, just generally.  Q. Do you know is anybody employed by the Wildlife Advocacy Project?  A. I do not know.  Q. Do you know if they have any board members?  A. I do not know that.  Q. Who do you know that is associated with	2 3 4 5 6 7 8 9 10	travel and general living expenses as he toured the country speaking with the media.  Q. And in 2002, of your total payments to Meyer & Glitzenstein, what would you estimate was the payment intended for the Wildlife Advocacy Project?  A. There was none.  Q. Although there were no payments intended for the Wildlife Advocacy Project, you however had other payments that were intended to reimburse
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Page 86 A. It was a discussion between myself and these expenses? 1 Nancy Blaney, and she may have had a discussion with A. Correct. 2 Darcy at the time. O. And you said that that was a budgetary 3 Q. When you say Darcy decision? 4 A. Darcy Kemitz, who was a staff person 5 A. Correct. 5 working for the Wildlife Advocacy Project. And who made that budgetary decision? 6 O. Q. I had asked you previously about who was A. The budgetary decision was made in 7 employed by the Wildlife Advocacy Project and you November of 2002. We formulate our budget for the said you didn't know, so this is one person -following year in the November and December prior to A. Currently. 10 that new year. Q. Okay. Let's go back and I'll ask you Q. And who is involved in the budgetary 11 11 12 about that later. First I want to talk about this 12 decision-making process? discussion that you had with Nancy Blaney and A. Myself, our chief financial officer and 13 Darcy -- I'm sorry, what's Darcy's --14 president. A. Kemitz. 15 Q. And who is your CFO? 15 Q. Can you spell that last name for me? 16 Steve Eudene. 16 Α. A. I believe it's K-e-m-i-t-z. 17 Q. And your president is Dr. Hawk? 17 Q. Can you tell me the contents of that 18 A. In 2003, it was Ed Sayres. 18 conversation, please? 19 And is there board approval for your 19 Q. A. To the best of my knowledge, Darcy had 20 20 budgets? 21 been working with Tom Rider in assisting him with his 21 A. Yes. 22 work with the media to discuss his experience working O. And who -- was one person in particular 22 23 for Ringling Bros. and their treatment of Asian 23 responsible for making the decision to stop funding 24 elephants. And there was a conversation, to the best Mr. Rider? 24 25 of my knowledge, between Darcy and Nancy Blaney as to A. It was a joint decision. 25 Page 87 Mr. Rider's work with the media. Q. Between you, your CFO and your president? 1 Q. And what was the conversation between 2 A. Correct. 2 ASPCA and wildlife Advocacy Project regarding 3 Q. And in 2004, there have not been any 3 Mr. Rider's work with the media? You said that Darcy expenses to -- there were no expenses to Mr. Rider? and Nancy had a conversation, so I'm asking you abou A. Correct. 5 Q. And there were no expenses to the Wildlife 6 that. 6 A. To the best of my knowledge, it was how we 7 Advocacy Project? 7 could assist Mr. Rider in continuing that work. 8 A. Correct. 8 Q. And was the decision as to how to assist 9 Q. And in 2005, so far there have not been 9 Mr. Rider was providing the additional payments -- to any payments to Mr. Rider? 10 assist by providing a grant in 2001? 11 A. Correct. 11 12 A. Correct. Q. And there have been no payments to the 12 Q. And do you know what the decision was --13 Wildlife Advocacy Project? 13 do you know when the decision was made to provide 14 A. Correct. 14 that grant through Meyer & Glitzenstein and not Q. So your payments to the Wildlife Advocacy 15 directly to the Wildlife Advocacy Project? Project were limited to 2001 and 2002, correct? 16 A. I'm sorry, I don't understand the 17

23 (Pages 86 to 89

Q. Just recapping what you said and then I'll

between Darcy and Nancy regarding the best way that

the ASPCA could aid Mr. Rider's work with the media

And as a result of that, you said that

there was a decision that was made to provide a grant

follow up. You said that there was a conversation

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question.

A. Correct.

Page 88

Page 89

A. It was --

A. Correct.

Q. I'm sorry, 2001.

A. I don't recall.

Q. Okay. Who approached you from the

O. Do you recall whose idea it was to have

24 payments provided to the Wildlife Advocacy Project

25 that would eventually end up with Mr. Rider?

21 Wildlife Advocacy Project regarding this funding?

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	Page 90		Page 92
1	to the Wildlife Advocacy Project in 2001?	1	questions about one other thing that we have
2	A. Correct.	2	discussed. We discussed a little bit about the
3	O. My question is, why did you make the grant	3	process and the timing of when you decided to become
4	through Meyer & Glitzenstein and not directly to the	4	a party to this lawsuit.
5	Wildlife Advocacy Project?	5	A. Correct.
6	A. The grant was made to the Wildlife	6	Q. And you said that you were approached by
7	Advocacy Project.	7	Nancy Blaney in the D.C. office with a copy of the
8	Q. So there was a separate grant to the	8	complaint?
9	Wildlife Advocacy Project?	9	A. Correct.
10	A. That was the \$7,400.	10	Q. And did you consult about whether or not
11	Q. Which is listed on page 31 of Exhibit	11	to file this lawsuit with any other outside counsel?
12	3, you list a \$9,000 payment to Meyer & Glitzenstein.	12	A. No.
13	A. Correct.	13	Q. Did you receive approval from the board of
14	Q. And you said that of that \$9,000, \$7,400	14	directors of the ASPCA before filing this lawsuit?
15	was the grant to the Wildlife Advocacy Project?	15	A. No.
16	MS. OCKENE: Objection. I think she said	16	Q. So the decision to file the lawsuit was
17	to the best of her knowledge.	17	exclusively made by you and Dr. Hawk?
18	THE WITNESS: To the best of my knowledge.	18	A. Correct.
19	BY MS. DALTON:	19	Q. We talked a little bit about some of the
20	Q. But now you said that it was a separate	20	ASPCA's efforts to gather information regarding
21	payment. I'm just trying to figure out the	21	Ringling Bros. So I would like to kind of talk a
22	mechanisms of that payment, if the \$7,400 was	22	little bit more broadly about those. And you've
23	provided to Meyer & Glitzenstein or if it was	23	talked about speaking with Mr. Rider and you've
24	provided separately to the Wildlife Advocacy Project.	24	said you talked a little bit about speaking with
25	A. It's my understanding that it was issued	25	your co-plaintiffs. But I was wondering if there was
1	and the second control of the second control		and the second s
1	Page 91		Page 93
1	to the Wildlife Advocacy Project, which is housed in	1	Page 93 anything else that the ASPCA has done to gather
1 2		1 2	anything else that the ASPCA has done to gather information about Ringling Bros.
1	to the Wildlife Advocacy Project, which is housed in	ì	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the
2	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.	2 3 4	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from
2	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein. Q. You've named Darcy Kemitz as an employee	2	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment'  A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?  A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?  A. No.  Q. Have you ever asked another animal
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?  A. No, I don't.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment.  A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?  A. No.  Q. Have you ever asked another animal advocacy group to gather information regarding
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?  A. No, I don't. Q. Do you know what percentage of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment*  A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?  A. No.  Q. Have you ever asked another animal advocacy group to gather information regarding Ringling Bros.?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?  A. No, I don't. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment*  A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?  A. No.  Q. Have you ever asked another animal advocacy group to gather information regarding Ringling Bros.?  A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?  A. No, I don't. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on the issue of elephants in circuses?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?  A. No.  Q. Have you ever asked another animal advocacy group to gather information regarding Ringling Bros.?  A. No.  Q. Have you ever paid a former Ringling Bros.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to the Wildlife Advocacy Project, which is housed in the same office as Meyer & Glitzenstein.  Q. You've named Darcy Kemitz as an employee of the Wildlife Advocacy Project?  A. At that time, yes. Q. At 2001? A. Correct. Q. Do you recall any other individuals working for the Wildlife Advocacy Project at that time?  A. No, I do not. Q. Do you recall any employees of the Wildlife Advocacy Project prior to 2001?  A. I do not know. Q. What about following 2001? A. I do not have that information. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?  A. No, I don't. Q. Do you know what percentage of the Wildlife Advocacy Project's efforts were focused on Ringling Bros.?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	anything else that the ASPCA has done to gather information about Ringling Bros.  A. Other than the FOIA requests and the subsequent lawsuit to obtain those documents from USDA, no.  Q. Have there been any efforts to gather information about Feld Entertainment?  A. No.  Q. Have you inquired under any state sunshine laws regarding Ringling Bros. or Feld Entertainment*  A. No.  Q. Have you hired any investigators to look into Ringling Bros. or Feld?  A. No.  Q. Have you hired any other lawyers besides Meyer & Glitzenstein to look into Ringling Bros. activities?  A. No.  Q. Have you ever asked another animal advocacy group to gather information regarding Ringling Bros.?  A. No.

1 they will participate in protests regarding Ringling Bros. CALEME: Objection to the form, your THE WITNESS: We reimbursed Tom Rider for his expenses in his public outreach about his knowledge of Ringling Bros. renatment of the clephants.  8 BY MS. DALTON: 9 Q. Have you ever reimbursed any other former Ringling Bros. employees in a similar manner? 11 A. No. 12 Q. Have you ever reimbursed any other former Ringling Bros. employees? 13 A. No. 14 A. No. 15 Q. Have you ever reimbursed any other former Ringling Bros. employees? 16 A. No. 17 Q. Have you ever asked for information for regarding Ringling Bros. without paying for any information? 18 A. No. 19 Q. Has ASPCA ever paid anybody for information while they were still working at Ringling Bros.? 19 A. No. 20 Q. Has the ASPCA ever asked anybody working of for Ringling Bros. to provide information to the SASPCA? 21 A. No. 22 Q. Is the ASPCA aware of any other animal activist group paying anyone at Ringling Bros. for this information? 23 A. Who are policyes? 24 A. No. 25 Q. Is the ASPCA aware of any other animal activist group paying anyone at Ringling Bros. for this information? 26 A. No. 27 Q. Is the ASPCA aware of any other individual paying anyone and paying anyone at Ringling Bros. for this information? 28 A. No. 29 Q. Is the ASPCA aware of any other individual paying anyone and paying any		Page 94		Page 96
2 MS. OcKENE: Objection to the form, your characterization of her testimony.  4 THE WITNESS: We reimbursed Tom Rider for his expenses in his public outreach about his knowledge of Ringling Bros. treatment of the elephants.  8 BY MS. DALTON:  9 Q. Have you ever reimbursed any other former 10 Ringling Bros. employees in a similar manner?  11 A. No.  12 Q. Have you ever reimbursed any outrent 11 Ringling Bros. employees in a similar manner?  12 Ringling Bros. employees in a similar manner?  13 Ringling Bros. employees in a similar manner?  14 A. No.  15 Q. Have you ever esked for information 1 regarding Ringling Bros. without paying for any information?  18 A. No.  19 Q. Has ASPCA ever paid anybody for information while they were still working at Ringling Bros. Page 95 for Ringling Bros. to provide information to the 25 ASPCA?  Page 95 for Ringling Bros. to provide information to the 25 ASPCA?  Page 95 for Ringling Bros. to provide information to the 25 ASPCA?  Page 95 for Ringling Bros. for this information?  A. No.  2 Q. Is the ASPCA aware of any other animal a activist group paying anyone at Ringling Bros. for this information?  A. No. Ano.  2 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information?  A. No.  2 Q. Has the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants?  10 Ringling Bros. employees for any other individual paying anyone and paying	1	O. You've paid Tom Rider, correct?	1	they will participate in protests regarding Ringling
THE WITNESS: We reimbursed Tom Rider for 5 his expenses in his public outreach about his knowledge of Ringling Bros. treatment of the elephants.  BY MS. DALTON: 9 Q. Have you ever reimbursed any other former 10 Ringling Bros. employees in a similar manner? 11 A. No. 12 Q. Have you ever reimbursed any current 13 Ringling Bros. employees? 14 A. No. 15 Q. Have you ever asked for information 16 regarding Ringling Bros. without paying for any 17 information? 18 A. No. 19 Q. Has ASPCA ever paid anybody for 20 information while they were still working at Ringling Bros. employees information to the 25 ASPCA? 19 Q. Has the ASPCA ever asked anybody working 24 for Ringling Bros. to provide information to the 25 ASPCA? 19 Q. Is the ASPCA aware of any other animal a activist group paying anyone at Ringling Bros. for this information? A. No. 13 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? A. No that I'm aware of. Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? A. No that I'm aware of. Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? A. No that I'm aware of. Q. And who was not of those people? 19 A. No. 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringl	1		2	
5 his expenses in his public outreach about his 6 knowledge of Ringling Bros.' treatment of the elephants.  8 BY MS. DALTON: 9 Q. Have you ever reimbursed any other former 10 Ringling Bros. employees in a similar manner? 11 A. No. 12 Q. Have you ever reimbursed any current 13 Ringling Bros. employees? 14 A. No. 15 Q. Have you ever asked for information 16 regarding Ringling Bros. without paying for any 17 information? 16 A. No. 19 Q. Has ASPCA ever paid anybody for 18 A. No. 19 Q. Has ASPCA ever paid anybody for 19 information while they were still working at Ringling 21 Bros.? 22 A. No. 23 Q. Has the ASPCA ever asked anybody working 24 for Ringling Bros. to provide information to the 25 ASPCA?  Fage 95  1 A. No. 2 Q. Is the ASPCA aware of any other animal activist group paying anyone at Ringling Bros. for any information? 4 this information? 5 A. No. 2 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 1 A. No. 2 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 2 A. No. 3 Q. And is the ASPCA aware of any outher individual paying anyone at Ringling Bros. for any information? 4 A. No. 5 A. No. What I'm aware of. 6 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 5 A. No. What I'm aware of. 9 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 5 A. No. 6 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 5 A. No. 6 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 6 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 7 A. No. 9 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 16 A. No. 17 Q. How often do you receive those requests? 18 A. Ris not our policy to engage in tho	3	characterization of her testimony.	3	A. We have a policy not to participate in
kinowledge of Ringling Bros. 'treatment of the relephants.'  8 BY MS. DALTON: 9 Q. Have you ever reimbursed any other former Ringling Bros. employees in a similar manner? 11 A. No. 12 Q. Have you ever reimbursed any current Ringling Bros. employees? 13 A. No. 15 Q. Have you ever asked for information regarding Ringling Bros. without paying of any rinformation while they were still working at Ringling Bros. Page 95 18 A. No. 19 Q. Has ASPCA ever paid anybody for regulation while they were still working at Ringling Ros. and the ASPCA ever asked anybody working at ASPCA?  10 A. No. 11 Q. Has the ASPCA ever asked anybody working at ASPCA?  11 A. No. 12 Q. Has the ASPCA ever asked anybody working at ASPCA?  12 A. No. 13 Q. Has the ASPCA aware of any other animal activities group paying anyone at Ringling Bros. for any information? 14 A. No. 15 Q. Is the ASPCA aware of any other animal activities group paying anyone at Ringling Bros. for any information? 16 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 17 A. No. 18 A. No. 19 Q. Is the ASPCA aware of any other animal activities group paying anyone at Ringling Bros. for any information?  10 Bros. employees providing any information regarding elephants? 11 A. No. 12 Q. And is the ASPCA aware of any outrent Ringling relephants? 12 A. No. 13 Q. And is the ASPCA aware of any outrent Ringling Ros. employees providing any information regarding elephants? 14 A. No. 15 Q. Is the ASPCA aware of any outrent Ringling Ros. employees providing any information regarding elephants? 16 A. No. 17 Q. Has ASPCA ware of any outrent Ringling Ros. performances? 18 A. No. 19 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 19 Q. How often do you received any requests in the past the formation regarding elephants to any group? 19 Lephants? 20 Q. Has ASPCA participated in any protests of Ringling Bros. employees providing any information regarding elephants to any group? 2	4	<del> </del>		
7 elephants. 8 BY MS. DALTON: 9 Q. Have you ever reimbursed any other former 10 Ringling Bros. employees in a similar manner? 11 A. No. 12 Q. Have you ever reimbursed any current 13 Ringling Bros. employees? 14 A. No. 15 Q. Have you ever asked for information 16 regarding Ringling Bros. without paying for any 16 information? 18 A. No. 29 Q. Have spou ever asked for information 16 regarding Ringling Bros. without paying for any 17 information while they were still working at Ringling 18 Bros.? 29 A. No. 20 Q. Has ASPCA ever paid anybody for 20 information while they were still working at Ringling 21 Bros.? 22 A. No. 23 Q. Has the ASPCA ever asked anybody working 24 for Ringling Bros. to provide information to the 25 ASPCA?  Page 95  1 A. No. 2 Q. Is the ASPCA aware of any other animal activist group paying anyone at Ringling Bros. for 4 this information? 5 A. No. 6 Q. Is the ASPCA aware of any other individual 7 paying anyone at Ringling Bros. for any information regarding 10 elephants? 10 R. No that I'm aware of. 11 A. No. 12 Q. And who was responsible for deciding that 13 ASPCA would not participate in protests of Ringling 18 committee. 19 Q. And who was responsible for deciding that 13 ASPCA would not participate in protests of Ringling 18 committee. 19 Q. And who was responsible for deciding that 13 ASPCA would not participate in protests of Ringling 18 committee. 19 Q. And who was responsible for deciding that 11 ASPCA would not participate in protests of Ringling 18 committee. 19 Q. And who was responsible for deciding that 11 ASPCA would not participate in protests of Ringling 18 committee. 19 Q. And who was responsible for deciding that 11 ASPCA would not participate in protests of Ringling 18 committee. 19 Q. And who was responsible for deciding that 11 ASPCA would not participate in protests of Ringling 18 committee. 20 Q. And who was responsible for deciding that 18 committee. 21 A. No. 22 Q. And you're one of those people? 23 A. Yes. 24 A. Not that I'm aware of. 25 Q. And you're one of those people?	5			•
8  BY MS. DALTON: 9  Q. Have you ever reimbursed any other former 11  A. No. 12  Q. Have you ever reimbursed any current 13  Ringling Bros. employees? 14  A. No. 15  Q. Have you ever asked for information 16  regarding Ringling Bros. without paying for any 17  information? 18  A. No. 19  Q. Has ASPCA ever paid anybody for 19  information while they were still working at Ringling 19  A. No. 19  Q. Has ASPCA ever paid anybody for 20  information while they were still working at Ringling 21  Bros.? 22  A. No. 23  Q. Has the ASPCA ever asked anybody working 24  for Ringling Bros. to provide information to the 25  ASPCA?  Page 95  1  A. No. 2  Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for 4 this information? 3  activist group paying anyone at Ringling Bros. for 4 this information? 4  A. No. 6  Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 5  A. No. 6  Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 11  C. Page 95 12  A. No. 3  Q. And is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 11  C. Page 95 12  A. No. 13  Q. And is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 19  C. And who is no the strategic planning committee. 19  Q. And how many people does that include? 20  A. All of our vice presidents and senior vice presidents. 21  Q. And how many people does that include? 22  A. Approximately 15. 23  Q. And is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? 24  A. No. 25  Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding elephants? 26  A. Yes. 27  A. No. 28  C. Walt groups contact ASPCA regarding their efforts to protest Ringling Bros. 29  C. What groups contact ASPCA regarding their efforts to protest? 30  A. It's not our poli	6			
9 Q. And is it a practice that you've communicated to your employees?  10 Ringling Bros. employees in a similar manner?  11 A. No.  12 Q. Have you ever reimbursed any current  13 Ringling Bros. employees?  14 A. No.  15 Q. Have you ever asked for information  16 regarding Ringling Bros. without paying for any information?  18 A. No.  19 Q. Has ASPCA ever paid anybody for 20 information while they were still working at Ringling 21 Bros.?  22 A. No.  23 Q. Has the ASPCA ever asked anybody working 24 for Ringling Bros. to provide information to the 25 ASPCA?  24 A. No.  2 Q. Is the ASPCA aware of any other animal a activist group paying anyone at Ringling Bros. for this information?  3 activist group paying anyone at Ringling Bros. for this information?  4 A. No. that I'm aware of.  9 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding 11 elephants?  10 Rose employees?  11 A. No.  22 Q. Has the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information regarding 11 elephants?  10 Rose employees?  11 A. No.  12 A. No.  13 Q. And who was responsible for deciding that ASPCA would not participate in protests of Ringling Bros. performances?  A. All of our vice presidents and senior vice presidents.  24 A. Approximately 15.  25 Q. And how many people does that include?  26 A. Approximately 15.  27 A. Approximately 15.  28 Q. And is the ASPCA contacted by other groups.  29 Page 97  20 A. No.  21 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information?  29 A. No.  21 Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information?  20 A. No.  21 Q. And who was responsible for decidide by the strategic planning.  22 A. All of our vice presidents.  23 Q. And who was responsible for decided by the strategic planning.  24 for Ringling Bros. to protest and senior vice presidents.  25 A. Aporoximately 15.  26 A. Correct.  27 Q. And who was responsible for decided by the	1	<u>-</u>		
10 Ringling Bros. employees in a similar manner? 11 A. No. 12 Q. Have you ever reimbursed any current 13 Ringling Bros. employees? 14 A. No. 15 Q. Have you ever asked for information 16 regarding Ringling Bros. without paying for any 17 information? 18 A. No. 19 Q. Has ASPCA ever paid anybody for 20 information while they were still working at Ringling 18 Bros.? 21 A. No. 22 Q. Has the ASPCA ever saked anybody working 24 for Ringling Bros. to provide information to the 25 ASPCA?  Page 95  1 A. No. 2 Q. Is the ASPCA aware of any other animal 3 activist group paying anyone at Ringling Bros. for 4 this information?  A. Not that I'm aware of. 9 Q. Is the ASPCA aware of any other individual 1 paying anyone at Ringling Bros. for any information?  A. No. that I'm aware of. 9 Q. Is the ASPCA aware of any other individual 1 paying anyone at Ringling Bros. for any information?  A. No. 2 Q. And with the ASPCA aware of any other individual 2 paying anyone at Ringling Bros. for any information regarding 1 elephants?  A. No. 2 Q. And is the ASPCA aware of any other individual 2 paying anyone at Ringling Bros. for any information regarding 1 elephants?  A. No. 2 Q. And what is your response to these 2 regarding their efforts to protest Ringling Bros. 2 performances?  A. Yes.  Q. What groups contact ASPCA regarding their 2 efforts to protest?  A. I's not our policy to engage in those 2 activities.  Q. How often do you receive those requests?  A. I's not our policy to engage in those 2 activities.  Q. How often do you receive those requests?  A. There probably was when Ringling Bros. 2 Payer 97  A. There probably was when Ringling Bros. 2 Payer 97  A. I's not our policy to engage in those 2 Activities.  Q. How often do you receive those requests?  A. There probably was when Ringling Bros. 2 Payer 97  A. There probably was when Ringling Bros. 2 Payer 97  A. A few times maybe on a yearly basis: 4 Q. How often do you received any requests in the past three months to participate?  A. There probably was when Ringling Bros. 2 Payer 9	_	<del>-</del>		
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21 Bros.? 22 A. No. 23 Q. Has the ASPCA ever asked anybody working 24 for Ringling Bros. to provide information to the 25 ASPCA?  Page 95  1 A. No. 2 Q. Is the ASPCA aware of any other animal 3 activist group paying anyone at Ringling Bros. for 4 this information? 5 A. No. 6 Q. Is the ASPCA aware of any other individual 7 paying anyone at Ringling Bros. for any information? 8 A. Not that I'm aware of. 9 Q. Is the ASPCA aware of any current Ringling 10 Bros. employees providing any information regarding 11 elephants? 12 A. No. 13 Q. And is the ASPCA aware of anyone who is 14 currently — who was previously employed by Ringling 15 Bros. providing any information regarding elephants 16 to any group? 17 A. I believe that Frank Hagan has provided 18 information regarding the lion that died recently 19 being transported. 20 Q. But regarding elephants? 21 A. No. 22 Q. But regarding elephants? 23 Q. And you're one of those people? 24 A. Correct. 25 Q. And is the ASPCA contacted by other groups 24 A. Correct. 25 Q. And is the ASPCA contacted by other groups 25 A. Yes. 4 Q. What groups contact ASPCA regarding their efforts to protest? 4 A. Some local groups whose names I can't 4 recall. We'll get information from groups like PETA 26 A. Some local groups whose names I can't 27 recall. We'll get information from groups like PETA 28 about protests to ask us to join in. 3 Q. And what is your response to these 3 Q. How often do you receive those requests? 4 A. It's not our policy to engage in those 3 activities. 4 Q. How often do you receive those requests? 4 A. A few times maybe on a yearly basis. 5 Q. Have you received any requests in the past 6 three months to participate? 8 A. No. 9 Q. But vgou can't recall any specifically? 9 Q. But you can't recall any specifically? 9 Q. But you can't recall any specifically? 9 Q. Other than PETA, can you think of any 9 Q. Other than PETA, can you think of any 9 Q. Other than PETA, can you think of any 9 Q. A. No. 9 Q. A. No. 1 can't speak for the other regional		•	20	presidents.
Q. Has the ASPCA ever asked anybody working for Ringling Bros. to provide information to the 25 ASPCA?  Page 95  A. No. Q. Is the ASPCA aware of any other animal activist group paying anyone at Ringling Bros. for 4 this information? A. No. Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? A. Not that I'm aware of. Q. Is the ASPCA aware of any current Ringling Bros. employees providing any information regarding tleephants? A. No. Q. And is the ASPCA aware of any current Ringling 10 Bros. employees providing any information regarding 11 elephants? A. No. Q. And is the ASPCA aware of anyone who is 14 currently — who was previously employed by Ringling 15 Bros. providing any information regarding elephants 16 to any group? A. I believe that Frank Hagan has provided in information regarding their efforts to protest Ringling Bros. Q. And what is your response to these requests? A. I's not our policy to engage in those activities. Q. How often do you receive those requests? A. A few times maybe on a yearly basis. Q. Have you received any requests in the past three months to participate? A. No. Q. But regarding elephants? A. There probably was when Ringling Bros. Came to New York City. Q. But you can't recall any specifically? A. No. Q. Other than PETA, can you think of any other groups that might contact the ASPCA to protest, 23 to ask them to participate in a protest? A. I can't speak for the other regional			21	Q. And how many people does that include?
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25 Q. Does ASPCA have a policy of whether or not   25 offices but generally, no.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q. Is the ASPCA aware of any other animal activist group paying anyone at Ringling Bros. for this information? A. No. Q. Is the ASPCA aware of any other individual paying anyone at Ringling Bros. for any information? A. Not that I'm aware of. Q. Is the ASPCA aware of any current Ringling Bros. employees providing any information regarding elephants? A. No. Q. And is the ASPCA aware of anyone who is currently who was previously employed by Ringling Bros. providing any information regarding elephants to any group? A. I believe that Frank Hagan has provided information regarding the lion that died recently being transported. Q. But regarding elephants? A. No. Q. Has ASPCA participated in any protests of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	regarding their efforts to protest Ringling Bros. performances? A. Yes. Q. What groups contact ASPCA regarding their efforts to protest? A. Some local groups whose names I can't recall. We'll get information from groups like PETA about protests to ask us to join in. Q. And what is your response to these requests? A. It's not our policy to engage in those activities. Q. How often do you receive those requests? A. A few times maybe on a yearly basis. Q. Have you received any requests in the past three months to participate? A. There probably was when Ringling Bros. came to New York City. Q. But you can't recall any specifically? A. No. Q. Other than PETA, can you think of any other groups that might contact the ASPCA to protest, to ask them to participate in a protest?
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Page 172 Page 170 1 didn't understand it. the document production process, correct? 2 BY MS. DALTON: 2 A. Yes. 3 O. It says Lisa Weisberg has had numerous 3 Q. Can you recall any other contact besides such communications with Mr. Rider but those -- when those e-mail exchanges, conversations and meetings 4 4 5 referring to those communications, does that refer to 5 that you've had with Mr. Rider? one-on-one conversations with Mr. Rider? 6 6 A. No. Q. So the last time you saw Mr. Rider was in 7 Some of them, yes. 7 8 Q. And you assert that the one-on-one 8 mid-2003? 9 conversations between you and Mr. Rider are protected A. I believe so. 9 by attorney-client privilege? 10 O. And to the best of your recollection, the 10 11 MS. OCKENE: To the extent that they last time you spoke with him was in May? 11 involve the litigation strategy and his role as a 12 12 A. Correct. plaintiff in the litigation as opposed to simply Q. I would like to go back to Exhibit 3, 13 communications and correspondence about media, public 14 14 which is the interrogatory responses, and I would 15 like you to focus your attention on interrogatory 15 outreach and education. 16 number 16 which is pages 25 and 26. 16 BY MS. DALTON: 17 Q. In what manner were you acting as counsel 17 A. Interrogatory 17, you said? 18 to Mr. Rider during these conversations? 18 No, 16. Q. A. Based on his conversation and eyewitness 19 19 Okay. A. to the abuse inflicted on the elephants and how this 20 20 Q. It begins at the bottom of page 25. 21 supported the litigation. 21 Okay. 22 Q. Were you providing Mr. Rider with any 22 It's the interrogatory in which we asked legal advice during these telephone conversations? 23 23 for every communication you have had with current and 24 A. Not that I recall. former employees of Ringling Bros. Circus. 25 Was he asking you for any legal advice 25 A. Okay. Page 173 Page 171 during these conversations? Q. And I would like to turn your attention to 1 A. No. I think some of this also had to do 2 page 26. 2 with our suit against USDA based on the documents we 3 3 A. Okay. 4 were FOIAing. The second -- well, it's actually the 4 5 MS. OCKENE: She's answered your questions first full sentence where it says, "Lisa Weisberg has 5 with respect to communications with Mr. Rider had numerous such communications with Mr. Rider but 6 concerning media and public outreach and she's going 7 those communications are protected by the to continue to answer those questions. 8 8 attorney-client relationship." MS. DALTON: I'm allowed to explore a 9 MS. OCKENE: I'm just going to point out 9 10 little bit as to whether or not there was an 10 that these are referring to conversations that attorney-client relationship between Lisa Weisberg 11 involve a lawsuit. A moment ago we were talking 11 and Mr. Rider. And I don't understand what the basis about conversations that involve litigation and 12 strategy. A moment ago you were talking about 13 for that attorney-client relationship is. 13 MS. OCKENE: The basis is that something media. I think you were referring just to 14 14 Ms. Weisberg functions as counsel as well as 15 media discussions. government relations and media outreach assistance in 16 THE WITNESS: Correct. 16 this matter. And to the extent that she was MS. OCKENE: But we do continue to object 17 17 18 functioning as counsel for the ASPCA and discussing to the extent that the conversations or 18 with Mr. Rider issues involving the litigation and 19 communications involved the litigation. 19 litigation strategy and evidence that might be used 20 20 BY MS. DALTON: in the case, that's all protected by the Q. Was Mr. Rider, at the time of these -- the 21 21 communications that are referred to at the top of 22 attorney-client privilege. 22 page 26, do those refer to just communications you 23 BY MS. DALTON: 23 Q. Do you have any agreement with Mr. Rider 24 had with Mr. Rider? 24 MS. OCKENE: What was the question? I 25 that he is your client? 25

	Page 174		Page 176
		1	it states, "Major gifts department," correct?
1	A. No.	1 2	A. Yes.
2	MS. OCKENE: Are you considering written	3	Q. Does the major gifts department refer to
3	agreement or oral agreement, an understanding? There	4	donations to the ASPCA?
4	is an agreement in this case that Ms. Weisberg does	5	A. Yes.
5	serve as counsel for the ASPCA on this case.	6	Q. Does it also refer to donations made on
6	BY MS. DALTON:	7	behalf of the ASPCA?
7	Q. Since 2003, have any other individuals	i	A. No, I believe it's just donations made to
8	from ASPCA had any communications with Mr. Rider	9	the ASPCA.
9	A. Not that I'm aware of.	10	Q. So it's just money coming in?
10	Q. Have there been any meetings in which		
11	Mr. Rider and individuals from the ASPCA were	11	
12	present?	12	Q. And then underneath that paragraph, it says that "he next outlined recent efforts of the
13	A. Not that I'm aware of.	13	says that "he next outlined recent choics of the
14	Q. Were there any communications with anybody		media relations department, including coverage of the
15	from ASPCA and Mr. Rider prior to 2001?	15	ASPCA Cares program launch, National Poison
16	A. Not that I'm aware of.		Prevention week and Ringling Bros. Circus," correct?  A. Correct.
17	Q. Do you know if Dr. Hawk ever met with	17	n: 1: n 0:
18	Mr. Rider?	18	CD: 1: D
19	A. Yes.	19	Circus relate back to the major gifts department?
20	Q. And do you know when those meetings	20 21	
21	occurred?		A. No. It relates to the work that media relations was doing in conjunction with Tom Rider.
22	A. It was sometime between 2001 and 2002.		Q. Just to clarify, I don't know if you
23	Q. And do you know what was discussed at that	23	redacted this, but is the major gifts department not
24	meeting?	24	a heading? Is it perhaps the end of the sentence
25	A. Basically, his experiences when he worked	25	
	Page 175		Page 177
1	at Ringling Bros. as well as his outreach to the	1	before?
2	media and how they related to the lawsuit.	2	
		1	A. I believe so.
3	Q. What specifically did Mr. Rider tell	3	Q. Okay. That would explain my question.
3	Q. What specifically did Mr. Rider tell Dr. Hawk?	3 4	<ul><li>Q. Okay. That would explain my question.</li><li>A. Okay.</li></ul>
	Dr. Hawk? A. I don't recall.	3	<ul><li>Q. Okay. That would explain my question.</li><li>A. Okay.</li><li>Q. When you said the media relations</li></ul>
4	Dr. Hawk?	3 4	<ul> <li>Q. Okay. That would explain my question.</li> <li>A. Okay.</li> <li>Q. When you said the media relations</li> <li>department and their work with Ringling Bros. Circus,</li> </ul>
4 5	Dr. Hawk?  A. I don't recall.  Q. Do you have any recollection of what	3 4 5	<ul><li>Q. Okay. That would explain my question.</li><li>A. Okay.</li><li>Q. When you said the media relations</li></ul>
4 5 6	Dr. Hawk? A. I don't recall.	3 4 5 6	<ul> <li>Q. Okay. That would explain my question.</li> <li>A. Okay.</li> <li>Q. When you said the media relations</li> <li>department and their work with Ringling Bros. Circus,</li> <li>does that involve Mr. Rider's efforts?</li> <li>A. Yes.</li> </ul>
4 5 6 7 8 9	Dr. Hawk?  A. I don't recall. Q. Do you have any recollection of what Dr. Hawk may have told Mr. Rider? A. I don't remember. Q. Do you remember ever discussing that	3 4 5 6 7 8 9	<ul> <li>Q. Okay. That would explain my question.</li> <li>A. Okay.</li> <li>Q. When you said the media relations</li> <li>department and their work with Ringling Bros. Circus,</li> <li>does that involve Mr. Rider's efforts?</li> <li>A. Yes.</li> <li>Q. And does it involve any other efforts</li> </ul>
4 5 6 7 8 9	Dr. Hawk?  A. I don't recall. Q. Do you have any recollection of what Dr. Hawk may have told Mr. Rider? A. I don't remember. Q. Do you remember ever discussing that meeting with Dr. Hawk?	3 4 5 6 7 8 9	<ul> <li>Q. Okay. That would explain my question.</li> <li>A. Okay.</li> <li>Q. When you said the media relations</li> <li>department and their work with Ringling Bros. Circus,</li> <li>does that involve Mr. Rider's efforts?</li> <li>A. Yes.</li> <li>Q. And does it involve any other efforts</li> <li>besides Mr. Rider going out and speaking with the</li> </ul>
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	Page 202		Page 204
1	since 1996?	1	incident, I've heard about it, but I'm not that
2	A. PETA was opposed to some of the	2	familiar with the charges or what happened.
3	legislation we were working on and so they would	3	Q. Has ASPCA ever complained to Feld
4	contact us expressing their disapproval.	4	Entertainment directly about the care of animals at
5	Q. Have you collaborated on any projects	5	Ringling Bros.?
6	since 1996?	6	A. Not that I'm aware of.
7	A. No.	7	MS. OCKENE: You're talking about other
8	Q. So other than PETA contacting you to	8	than the notice letters in this case?
9	oppose certain legislation you were working on,	9	MS. DALTON: Yes.
10	you've had no contact when I say you, I mean the	10	THE WITNESS: Not that I'm aware of.
11	ASPCA entity has not had any contact?	11	BY MS. DALTON:
12	A. Let me amend that. They contacted us, I	12	Q. Since 1996, has ASPCA had any
13	believe it was sometime last year, to write a letter	13	communications with anybody working for Feld?
	to the Manhattan district attorney to pursue and	14	A. No.
	prosecute some researchers at Columbia University in	15	Q. We've talked about Tom Rider, so I just
	their lack of humane care and a violation of the	16	want to confirm that ASPCA has not had any contact
17	state cruelty law with their use of baboons in some	17	with any other former Ringling employee since 1996?
18	research project.	18	A. As far as I know, we have not.
19	Q. And what was the ASPCA's response?	19	MS. DALTON: I would like to mark Exhibit
20	A. We reviewed their complaint and we decided	20	23.
21	to issue a letter to the Manhattan DA urging him to	21	(ASPCA Exhibit No. 23 was
22	look into the matter. And we felt that based on the	22	marked for identification.)
23	information we were given, that there were reasonable	23	BY MS. DALTON:
24	grounds that they violated the state anticruelty	24	Q. This is a fund-raiser for a July 21st,
25	statute.	25	2005 fund-raiser, correct?
***************************************	Page 203		Page 205
1	Q. So other than the letter regarding the	1	A. Correct.
2	Columbia University researchers and their sporadic	_	
3		2	Q. And this benefit is in part hosted by the
		3	Q. And this benefit is in part hosted by the ASPCA, correct?
4	or I don't know how often they write to you in	ŧ	Q. And this benefit is in part hosted by the ASPCA, correct?  A. Correct.
		3	ASPCA, correct?
4	or I don't know how often they write to you in opposition to I'm just lumping their letters in	3 4	ASPCA, correct? A. Correct.
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4 5 6 7	or I don't know how often they write to you in opposition to I'm just lumping their letters in opposition to your positions as one kind of type of contact.  A. Right.	3 4 5 6 7	ASPCA, correct?  A. Correct.  Q. Who from the ASPCA helped coordinate this event, or I should say helping to coordinate this event as it's in the future?
4 5 6 7 8	or I don't know how often they write to you in opposition to I'm just lumping their letters in opposition to your positions as one kind of type of contact.  A. Right.  Q. And the second contact being the Columbia	3 4 5 6 7 8	ASPCA, correct?  A. Correct.  Q. Who from the ASPCA helped coordinate this event, or I should say helping to coordinate this event as it's in the future?  A. Jo Sullivan who is our senior vice
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	or I don't know how often they write to you in opposition to I'm just lumping their letters in opposition to your positions as one kind of type of contact.  A. Right. Q. And the second contact being the Columbia University letter. Can you recall any other contacts?  A. Yes. The other contact was they were very critical of our relationship with Iams pet food company. And one of our senior vice presidents sitting on an advisory board regarding Iams' work with dogs and nutritional research that was being done.  Q. Can you think of anything else? A. No. Q. Does the ASPCA have a position on PETA's euthanization of animals?  A. I'm not aware of that. That's a recent incident and I don't know if we do or not.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	ASPCA, correct?  A. Correct.  Q. Who from the ASPCA helped coordinate this event, or I should say helping to coordinate this event as it's in the future?  A. Jo Sullivan who is our senior vice president for development.  Q. Anybody else from ASPCA involved in coordinating this event?  A. Our public relations firm has been assisting.  Q. And which firm is that?  A. GF Schwartz & Company.  Q. Anybody else in house?  A. I assisted a little bit.  Q. So besides you and Joe, anybody else you can think of?  A. No.  Q. Whose idea was it to hold this event?  A. I think it was really the three plaintiffs

2	<u> </u>	Page 206	<i></i>	Page 208
A. Then were sent to ASPCA high donors in the Scalifornia area.  Q. To whome were these invitations sent? A. They were also e-mailed to ASPCA and An Oh, in coordinating this? A. They were also e-mailed to ASPCA supporters generally in California. Q. The invitation states that — up at the to op of page 2 of the invitation, it says, "Numerous evewitness accounts and other evidence of the mistreatment of the elephants including deaths of several baby elephants have been collected for this lawsuit." Does that refer to the allegations listed in the complaint?  A. I don't was involved in any conversations having to do with this coordinating it.  In the complaint?  A. I don't know.  Q. Does it refer to any other eyewitness accounts or other evidence that was not listed in the complaint?  A. I don't know.  Page 207  Q. Down at the bottom where it says — it says this benefit will include, the second bullet spoint is, "Never before seen video footage of mistreatment of elephants at the Ringling Bros. Circus." Do you know what this video footage is new video that has not been produced to us. S. OKENE: I think the indication is new rebefore seen by the public. It may have been produced to us. I would have to double-check, but I think it's what's been produced to us by USDA, like the Lawler footage that you've seen.  M. M. DALTON: If you can confirm that whatever is being shown at this has been also produced to us, I would appreciate that. And I would have to double-check, but I think it's what's been produced to us. I would have to double-check, but I think it's what's been produced to us. I would have to double-check, but I think it's what's been produced to us. I would have to double-check, but I think it's what's been produced to us. I would have to double-check, but I think it's what's been produced to us. I would have to double-check, b			1	plaintiffs?
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top of page 2 of the invitation, it says, "Numerous evewitness accounts and other evidence of the mistreatment of the elephants including deaths of several baby elephants have been collected for this in the complaint?  A. Yes.  Q. Does that refer to the allegations listed in the complaint?  A. Yes.  A. Yes.  Q. Does it refer to any other eyewitness accounts or other evidence that was not listed in the complaint?  A. I don't know.  Q. Does it refer to any allegations — I'm sort evidence that was not listed in the complaint?  A. I don't know.  Q. Does it refer to any elevations accounts or other evidence that was not listed in the produced to sus, whith the bottom where it says — it says this benefit will include, the second bullet point is, "Never before seen video footage of mistreatment of elephants at the Ringling Bros.  Circus." Do you know what this video footage is?  A. I don't.  MS. DALTON: I'm asking counsel, is this new video that has not been produced to us?  MS. DALTON: I'm asking counsel, is this you've seen.  MS. DALTON: If you can confirm that you've seen.  MS. DALTON: If you can confirm that whatever is being shown at this has been also been produced to us, I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already be been produced to us.  MS. DALTON:  BY MS. DALTON:			9	O. And who from the other plaintiffs were
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in the complaint?  A. Yes. Q. Does it refer to any other eyewitness accounts or other evidence that was not listed in the complaint? A. I don't know. Q. Does it refer to any eyewitness accounts or other evidence not listed in the sorry, does it refer to any eyewitness accounts or other evidence not listed in your answers to interrogatories? A. I don't know.  Page 207  Q. Down at the bottom where it says – it says this benefit will include, the second bullet point is, "Never before seen video footage of mistreatment of elephants at the Ringling Bros. Circus." Do you know what this video footage is? A. I don't. MS. DALTON: I'm asking counsel, is this new video that has not been produced to us? MS. OCKENE: I think the indication is never before seen by the public. It may have been sufficiently been produced already. Either been produced or been produced to us, I would have to double-check, but I think it's what's been produced already. Either been produced or been produced to us, I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. Q. Will you be attending this event?  A. No. Q. Do you know why the Humane Society? A. I don't. Q. Do you know why the Humane Society? A. I don't. Q. Do you know why the Humane Society? A. I'm assuming it's because of whatever it know if it was a merger or legally what. Q. Has the Humane Society joined the ASPCA as a plaintiff in this case? A. No. Q. Have you, by any chance, seen any talking points from Mr. Pacelle's concluding remarks? A. No. Q. Have you, by any chance, seen any other materials that are going to be included in this presentation? A. No. Q. Have you, by any chance, seen any other materials that are going to be included in this presentation? A. No. Q. The invitation also says that there are eyewitness accounts of elephant abuse by Tom Rider and other former Ringling Bros. employees; A. I don't know. Q. Does anybody at ASPCA know who these individuals are? A. No. Q.	1	1it " Does that refer to the allegations listed	14	involved in all the conversations having to do with
16 A. Yes. 17 Q. Does it refer to any other eyewitness accounts or other evidence that was not listed in the complaint? 18 accounts or other evidence that was not listed in the complaint? 20 A. I don't know. 21 Q. Does it refer to any allegations I'm 22 sorry, does it refer to any eyewitness accounts or other evidence not listed in your answers to 24 interrogatories? 25 A. I don't know.  Page 207  1 Q. Down at the bottom where it says it says this benefit will include, the second bullet 3 point is, "Never before seen video footage of mistreatment of elephants at the Ringling Bros. 26 Circus." Do you know what this video footage is? 27 A. No. 28 MS. DALTON: If masking counsel, is this new video that has not been produced to us? 29 MS. OCKENE: I think the indication is never before seen by the public. It may have been 12 would have to double-check, but I think it's what's 3 been produced already. Either been produced or been 16 make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. I would appreciate that. And I would make a record request for any video that's going to be shown at this fund-raiser if it has not already been produced to us. I would ap	1		15	this coordinating it.
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18 produced to ds, I would appreciate that. The state of the produced to ds, I would appreciate that. The state of the produced to description of the state of th	1	7 whatever is being shown at this has been also	1	
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24 A. Correct.  24 A. Correct.  25 O. Has the ASPCA hosted any other events to		2 BY MS. DALTON:	1	3 is going to be speaking at this event is Tom Rider?
A. No. 25 O Has the ASPCA hosted any other events to	1	•	- 1	4 A. Correct.
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1	raise funds for this lawsuit in the past?	1	A. No.
2	A. No.	2	Q. Do you know Jim Parsons?
3	Q. Have any of the other plaintiffs?	3	A. No.
4	A. I don't know.	4	Q. Do you know Ed Stewart?
5	Q. Have any other animal rights groups hosted	5	A. No.
6	events to help raise funds for this lawsuit?	6	Q. Do you know Betty Swart?
7	A. Not that I'm aware of.	7	A. I met her once.
8	Q. And the purpose of this fund-raiser is to	8	Q. When did you meet her?
9	provide additional funding for Tom Rider to continue	9	A. I don't recall the exact date. It was a
10	his outreach?	10 11	few years ago.
11	A. Correct.	12	Q. And A. She may have been at the press conference
12	Q. And do you know if Tom Rider is currently	13	A. She may have been at the press conference announcing this lawsuit. I honestly don't recall.
13	receiving money from any of the other plaintiffs in	14	Q. Did you have any conversations with her at
14	this case?	15	that time?
15	A. I don't know.     O. Did they mention anything about their	16	A. Just, you know, introduced myself.
16 17	support of Tom Rider in any conversations you've had	17	Q. We've spoken about Tom Rider at length so
18	with them?		I won't ask you about that. You mentioned that you
19	A. With the plaintiffs?	19	did not know Kelly Tansy, correct?
20	Q. Yes.	20	A. Correct.
21	A. No.	21	Q. And Lynette Williams?
22	MS. OCKENE: This has been asked and	22	A. No.
23		23	Q. Lauren Silverman?
24	MS. DALTON: I'm just confirming. I just	24	A. No.
25	want to make sure.	25	Q. Andi Bernat?
	Page 211		Page 213
1	BY MS. DALTON:	1	A. No.
2	Q. And just to confirm, you have no idea who	2	Q. Do you know Frank Hagan?
3	the other Ringling employee is?	3	A. I've heard of him, but I don't know him.
4	A. I don't.	4	Q. Has ASPCA had any contact with Mr. Hagan?
5	Q. And you took a look at the text of this	5	A. Not that I'm aware of.
6	invitation prior to it being sent out?	6	MS. DALTON: Mark as Exhibit 24.
7	A. Very cursory.	7	(ASPCA Exhibit No. 24 was
8	Q. And it didn't pop out that there was	8	marked for identification.)
9	another former Ringling employee who was going to	9	BY MS. DALTON:
10	•	10	Q. What's been marked Exhibit 24 is a copy of the complaint that you and the other plaintiffs filed
11	A. No.		in this case.
12		13	A. Yes.
13 14	as a witness in this case?  A. No, not really.	14	Q. Can you turn to page 75 of the complaint?
15	A. No, not really. Q. Do you know Nicole Adrian?	15	I'm sorry, paragraph 75 on page 16.
16	A. No.	16	A. Okay.
17	Q. Do you know Deniz Bolbol?	17	Q. In that paragraph, you allege that
18	A. No.	18	Ringling Bros. keeps its elephants in chains for up
	Q. Do you know Joseph Patrick Cuviello?	19	to 20 hours a day, correct?
119	~ = · / · · · · · · · · · · · · · · · · ·	20	A. Correct.
19 20	A. No.	20	• • • • • • • • • • • • • • • • • • • •
19 20 21		21	Q. What's the basis for that claim?
20	A. No. Q. Do you know Christine Franco? A. No.		<ul><li>Q. What's the basis for that claim?</li><li>A. That was based on what Tom Rider told us</li></ul>
20 21	Q. Do you know Christine Franco?	21 22 23	Q. What's the basis for that claim?
20 21 22	<ul><li>Q. Do you know Christine Franco?</li><li>A. No.</li></ul>	21 22 23 24	<ul><li>Q. What's the basis for that claim?</li><li>A. That was based on what Tom Rider told us</li></ul>