

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 &
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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2 (Pages 2 to 5)

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1 with USDA inspectors citing violations by Ringling
 2 Bros.
 3 Q. Is this the report that you've entitled
 4 government-sanctioned abuse that was produced to the
 5 defendants in this case?
 6 A. Yes.
 7 Q. And what are the contents of this report
 8 generally?
 9 A. It discusses the conditions and subsequent
 10 death of Kenny, it talks about the death of Benjamin,
 11 it talks about the USDA's policy of nonenforcement of
 12 the -- not pursuing prosecution of the various
 13 violations cited by USDA inspectors.
 14 Q. Are there drafts of this report?
 15 A. No.
 16 Q. Whose idea was it to draft this report?
 17 A. The plaintiffs.
 18 Q. So when you say the plaintiffs, you mean
 19 the ASPCA, the Fund For Animals, Animal Welfare
 20 Institute and Tom Rider?
 21 A. Correct.
 22 Q. When was it decided to draft this report?
 23 A. I believe it was sometime in 2002.
 24 Q. So this was after the lawsuit was filed?
 25 A. Yes.

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1 Q. Was this report generated as part of your
 2 efforts in this lawsuit?
 3 A. I don't recall.
 4 Q. Who wrote the report?
 5 A. It was drafted and edited by the various
 6 plaintiffs.
 7 Q. Was the ASPCA responsible for a piece of
 8 the report?
 9 A. Not specifically.
 10 Q. To whom was this report disseminated?
 11 A. To the public at large.
 12 Q. How was it disseminated to the public at
 13 large?
 14 A. We issued a press release about it, we
 15 forwarded it to various media outlets who were
 16 interested in it, it was posted on some of our
 17 websites.
 18 Q. How did you decide which groups would
 19 participate in drafting this report?
 20 A. I don't recall.
 21 MS. DALTON: I would like to mark Exhibit
 22 5.
 23 (ASPCA Exhibit No. 5 was
 24 marked for identification.)
 25 BY MS. DALTON:

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1 Q. This is a check request for Meyer
 2 Glitzenstein dated July 17th, 2003, correct?
 3 A. Correct.
 4 Q. And your name is again the person who
 5 requested the check, correct?
 6 A. Correct.
 7 Q. And the reason given for the check is work
 8 on Ringling Bros. suit, dash, enforcement report?
 9 A. Correct.
 10 Q. Does this mean that the enforcement report
 11 was seen as part of the Ringling Bros. suit?
 12 A. It was separate, but it was certainly
 13 based on the Freedom of Information Act and what is
 14 considered publicly available documents. We were
 15 simply disseminating public information to the public
 16 at large.
 17 MS. DALTON: I would like to mark Exhibit
 18 6.
 19 (ASPCA Exhibit No. 6 was
 20 marked for identification.)
 21 BY MS. DALTON:
 22 Q. This is another request for a check to
 23 Meyer Glitzenstein from the ASPCA, correct?
 24 A. Correct.
 25 Q. And who is Patricia E. Jones who requested

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1 this check?
 2 A. She was our vice president of media
 3 relations at the time.
 4 Q. Did you ask Ms. Jones to request this
 5 check?
 6 A. I don't recall.
 7 Q. Can you turn to the next page, which is
 8 A-00895, and take a look at that? Does that help you
 9 recall whether or not you asked Ms. Jones to issue
 10 this check?
 11 A. I believe we had a discussion regarding
 12 which account this would be billed to.
 13 Q. Between media --
 14 A. And government affairs.
 15 Q. -- and government affairs. What services
 16 were included in this media support that the funds
 17 were going to pay for?
 18 A. Again, I believe it was for the
 19 dissemination of the report, copies and dissemination
 20 of the report to the media.
 21 Q. So this specific check request was also in
 22 regards to the enforcement report?
 23 A. Yes.
 24 Q. So there were no other media support
 25 efforts separate from the enforcement report that

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

12 (Pages 42 to 45)

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1 Bros.
2 Q. What other activities were covered in the
3 \$6,000 grant?
4 A. They were to reimburse Tom Rider for his
5 general living expenses to travel the country and
6 meet with the media.
7 Q. Did you have any direct -- did you provide
8 Mr. Rider with any direct payments or were all of
9 your -- that's my question. Did you provide him with
10 any direct payments?
11 A. Yes, in 2003, I believe.
12 Q. Did you provide that check request to us?
13 A. I believe I did.
14 MS. DALTON: I don't recall that, so Kim,
15 if we could perhaps discuss that. We didn't receive
16 any check request for Mr. Rider specifically.
17 THE WITNESS: Well, they weren't to
18 Mr. Rider, the check requests. We would either
19 advance money to him to purchase a Greyhound bus
20 ticket or to reimburse him for his daily living
21 expenses or I would prepay his hotel rooms. So there
22 was never any checks written to Mr. Rider.
23 BY MS. DALTON:
24 Q. So there aren't any documents that would
25 reflect any of those purchases or any of those

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1 monetary advances?
2 A. The hotel rooms were oftentimes put on my
3 American Express corporate card, and then some of the
4 other smaller items were reimbursed to him through
5 petty cash.
6 Q. And those were all in 2003?
7 A. Correct.
8 Q. Can you think of any other direct payments
9 or in-kind reimbursements to Mr. Rider for any of the
10 years besides 2003?
11 A. No.
12 Q. Returning to Exhibit 7. So if you could
13 tell me -- if you could go into more detail as to
14 what the \$6,000 grant was originally for.
15 A. Again, it was to reimburse Mr. Rider for
16 his Greyhound bus tickets, to travel the country,
17 basic day-to-day living expenses, food, lodging.
18 Q. And this was all provided through the
19 Wildlife Advocacy Project?
20 A. Correct.
21 Q. Did Mr. Rider know that the ASPCA was
22 providing this funding through the Wildlife Advocacy
23 Project?
24 A. I believe so.
25 Q. Did Mr. Rider, to your knowledge, receive

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1 any additional funds for his participation in this
2 project from other plaintiffs?
3 A. I can't answer that.
4 Q. You don't know?
5 A. I don't recall.
6 MS. DALTON: I would like to mark Exhibit
7 8.
8 (ASPCA Exhibit No. 8 was
9 marked for identification.)
10 BY MS. DALTON:
11 Q. And this is another check request
12 requested by you for the check made payable to Meyer
13 & Glitzenstein for, quote, "Tom Rider testimony at
14 Mass. legislative hearing on anticircus bill,"
15 correct?
16 A. Correct.
17 Q. And this was dated May 23rd, 2003,
18 correct?
19 A. Correct.
20 Q. Why did the ASPCA reimburse Mr. Rider for
21 this testimony?
22 A. That covered his transportation and hotel
23 costs to get to Massachusetts, to get to Boston to
24 testify at the hearing.
25 Q. Why did the ASPCA not reimburse Mr. Rider

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1 directly for his work on this project?
2 A. At the time, we had no way of getting the
3 money to Mr. Rider because he was on the road and
4 Meyer & Glitzenstein was able to wire the money to
5 him.
6 Q. Did you consult with Mr. Rider about the
7 contents of his testimony?
8 A. Of the contents of his testimony?
9 Q. Yes, referred to in this exhibit.
10 A. No. Mr. Rider can speak firsthand about
11 his knowledge of what occurs at Ringling Bros.
12 Q. Did Mr. Rider know that the ASPCA was
13 providing this funding?
14 A. I believe so.
15 Q. Have any other payments from the ASPCA to
16 Meyer & Glitzenstein included funds that were
17 intended to go to Mr. Rider?
18 A. No.
19 MS. DALTON: I would like to mark Exhibit
20 9.
21 (ASPCA Exhibit No. 9 was
22 marked for identification.)
23 BY MS. DALTON:
24 Q. And this is an e-mail to Dr. Hawk from you
25 dated May 7th, 2001, correct?

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1 A. Yes.
2 Q. And what is the subject of this e-mail?
3 A. It has to do with Tom Rider, who is the
4 co-plaintiff on the suit, has just left the
5 employment of PAWS and --
6 Q. I was actually just asking you what the
7 subject was.
8 A. I'm sorry. Ringling Bros. lawsuit, Tom
9 Rider.
10 Q. And in the first sentence, you say that
11 "Tom Rider, who is a co-plaintiff in the suit and a
12 former Ringling elephant trainer, had just left the
13 employ of Pat Derby's group," correct?
14 A. Correct.
15 Q. What is your basis for knowing that
16 Mr. Rider was an elephant trainer at Ringling Bros.?
17 A. He told me.
18 Q. Why would Tom Rider have left PAWS?
19 A. I can't answer that.
20 Q. Might it be because PAWS dropped out of
21 this lawsuit?
22 A. I don't recall if that's the only reason.
23 Q. What did you mean by stating that he,
24 quote, "wanted to ensure he would not be taken off
25 the suit"?

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1 A. I don't recall.
2 Q. Did you speak with Mr. Rider about his
3 decision to leave PAWS?
4 A. No.
5 Q. Did you speak to Mr. Rider before sending
6 this e-mail to Dr. Hawk?
7 A. I don't believe I spoke directly to him.
8 Q. Who do you think you learned this
9 information from?
10 A. I believe I may have learned it from Nancy
11 Blaney.
12 Q. Why could Rider not be employed if he is
13 to follow the circus?
14 A. Because he's constantly on the road.
15 Q. Did you ever consider hiring Mr. Rider at
16 the ASPCA?
17 A. No.
18 Q. Did anybody ever suggest that you do so?
19 A. No.
20 Q. Did you ever discuss this arrangement with
21 anybody from AWI?
22 A. The arrangement being to --
23 Q. Pay his travel expenses.
24 A. Yes. We discussed how we could fund the
25 costs for his travels and how we would divide the

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1 costs.
2 Q. So you spoke with the two other
3 plaintiffs, the AWI and the Fund For Animals,
4 regarding this?
5 A. Yes.
6 Q. Did you decide to pay these expenses
7 directly?
8 A. Directly to Mr. Rider?
9 Q. Yes.
10 A. I believe at the time, because one of the
11 difficulties was how to get the money to him because
12 he was always on the road and didn't have a permanen
13 home.
14 Q. Yes, you said that, because one of the
15 difficulties, so --
16 A. So --
17 Q. So you were paying him directly because he
18 was out on the road?
19 A. We were not paying him directly at the
20 time.
21 Q. Okay. So let's just clear -- because you
22 answered yes. I think my question was a little
23 convoluted. So did you pay him directly for these
24 travel expenses?
25 A. No, not at that time.

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1 Q. How did you pay him?
2 A. The money was wired to wherever he was
3 through Western Union by Meyer & Glitzenstein and
4 then we would be invoiced for it.
5 Q. Why did you not wire the money directly
6 yourself?
7 A. I believe because Meyer & Glitzenstein
8 already had an account set up.
9 Q. Did you send any additional e-mails
10 requesting that this money be forwarded to Mr. Rider?
11 A. Any additional e-mails to Dr. Hawk?
12 Q. To anybody at the ASPCA regarding this
13 money.
14 A. I may have had correspondence with Nancy
15 Blaney at the time.
16 Q. But all documents that you still have in
17 your custody have been produced?
18 A. Correct.
19 Q. Why is there no check request or invoice
20 for this thousand dollar payment included in the
21 document production that was provided to the
22 defendants by the ASPCA?
23 A. I believe it would have been part of a
24 payment made to Meyer & Glitzenstein.
25 Q. If we could turn back to Exhibit 3, which

14 (Pages 50 to 53)

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1 is the larger exhibit. It's the interrogatory
2 responses from your organization. If you could turn
3 to page 33 of that for me, which is interrogatory
4 number 22.
5 This interrogatory asks for each
6 expenditure from 1997 to the present of, quote,
7 "financial and other resources made while pursuing
8 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?
14 A. Correct.
15 Q. First, in 2000, it talks about the ASPCA
16 spending about 5 percent of its time and benefits of
17 the head of its D.C. office as well as 5 percent of
18 the overhead of that office gathering information
19 from other organizations about Ringling Bros.'
20 treatment of Asian elephants, correct?
21 A. Correct.
22 Q. Do you know what information was gathered?
23 A. Not specifically.
24 Q. Generally?
25 A. Generally, information that other groups

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1 had about Ringling Bros.' treatment and use of the
2 bullhook and the chaining and the forcible removal of
3 the babies.
4 Q. And from what groups was this information
5 gathered?
6 A. I believe it included PAWS, Performing
7 Animal Welfare Society. I'm trying to remember the
8 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.
13 Q. Who was in charge of gathering this
14 information?
15 A. Nancy Blaney.
16 Q. And it says that gathering this
17 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.
23 Q. Do you know who was responsible for
24 issuing invitations to be plaintiffs in this case?
25 A. I believe it was PAWS.

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1 Q. Next, in 2001, we see an expenditure to
2 the Wildlife Advocacy Project for a grant of \$7,400
3 for public education about Ringling Bros.'
4 mistreatment of Asian elephants, correct?
5 A. Correct.
6 Q. And the Wildlife Advocacy Project is the
7 group that we discussed that is associated with the
8 law firm of Meyer & Glitzenstein, correct?
9 A. Correct.
10 Q. What did this, quote, public education,
11 end quote, project entail?
12 A. That was funding Tom Rider to travel
13 around the country and meet with the various media
14 outlets, as well as testifying at public hearings in
15 support of legislation to ban wild and exotic
16 animals.
17 Q. Why did the ASPCA not include as part of
18 its responses to defendants' document requests, any
19 check requests or any documents relating to this
20 payment?
21 A. We did.
22 Q. And can you refer me to that document?
23 According to my review of those documents, the only
24 check requests we received were from 2002 and 2003.
25 A. One was the \$6,000 check request, which

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1 I'm not finding --
2 Q. We actually did not receive the \$6,000
3 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?
11 A. I was involved in that decision. I
12 believe Nancy Blaney was involved in that decision
13 and I believe Dr. Hawk needed to sign off on that
14 check request.
15 Q. Next, from 2002 to 2004, you list
16 expenditures that relate to a percentage of your
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?
20 A. Correct.
21 Q. How did you determine what portion of your
22 salary to allocate to this response?
23 A. It was an approximation.
24 Q. What part of your job entailed, quote,
25 pursuing alternative sources of information about

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1 A. They would send out press releases
2 regarding the lawsuit and speak to various reporters
3 who inquired about it.
4 Q. Did any of those funds go to support
5 Mr. Rider's media efforts?
6 A. I don't believe so.
7 Q. And again, you list the Animal Watch
8 articles and I'm assuming that that calculation is
9 the same for prior years and it represents a page and
10 a half approximately?
11 A. Correct.
12 Q. In 2002, you again have the 10 percent of
13 salary and benefits for government affairs in New
14 York. You do not have D.C. listed. Why is that?
15 A. We closed our D.C. office right after
16 9/11.
17 Q. And you say Midwest and California Midwest
18 staff.
19 A. Correct.
20 Q. Is the Midwest office the same office as
21 in Illinois?
22 A. Correct.
23 Q. And what is your California Midwest staff?
24 A. Oh, I'm sorry. That was a typo.
25 California staff is one person in the San Luis Obispo

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1 area.
2 Q. And who is that person?
3 A. Jill Buckley.
4 Q. And what are Ms. Buckley's
5 responsibilities?
6 A. She is responsible for lobbying on animal
7 protection legislation on the West Coast.
8 Q. In the state of California?
9 A. California is included.
10 Q. And what other states?
11 A. Arizona, Washington, Oregon. I'm trying
12 to think what other states she has. I think she has
13 the Dakotas and Idaho, to the best of my knowledge.
14 Q. And what in particular did she work on
15 that made you include her salary and benefits in this
16 calculation?
17 A. There were various bills pending in her
18 states having to do with prohibiting wild and exotic
19 animals being used for entertainment.
20 Q. And the next entry I want to talk to you
21 about is the next Meyer & Glitzenstein payment of
22 \$10,151. And does that include any payment that you
23 knew was going to Mr. Rider?
24 A. It may have.
25 Q. And might it have included payments that

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1 were going to the Wildlife Advocacy Project?
2 A. It may have.
3 Q. And would it have included the payment of
4 \$5,180 listed in Exhibit 4 and the payment of \$526
5 included in Exhibit 7?
6 A. I believe so.
7 Q. Next you listed a humane law enforcement
8 investigation for \$250.
9 A. Correct.
10 Q. And what in particular does that refer to?
11 A. I believe that was another inspection that
12 our humane law enforcement agents made of Ringling
13 Bros. elephants when they were at Madison Square
14 Garden.
15 Q. And your media relations expenses are
16 broken down a little bit further.
17 A. Correct.
18 Q. So what in particular is the video news
19 release that you refer to?
20 A. That was a production of Tom Rider
21 speaking about his experience working for Ringling
22 Bros. and what he eyewitnessed as well as the
23 lawsuit.
24 Q. And again, you have the Animal Watch
25 articles which again I'm going to assume, unless you

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1 say differently, is the approximately one and a half
2 pages.
3 A. Correct.
4 Q. Moving on to 2003, you have the same
5 benefits for New York, the Midwest and the California
6 staff.
7 A. Correct.
8 Q. And 10 percent of supporting expenses is
9 the legislative alerts?
10 A. Correct.
11 Q. And Meyer & Glitzenstein again for the
12 Ringling lawsuit?
13 A. Correct.
14 Q. In addition to the invoices you provided
15 to us that I've marked as Exhibit 5, Exhibit 6 and
16 Exhibit 8, can you think of any other expenses
17 included in that \$16,000 that may have gone to Tom
18 Rider?
19 A. No.
20 Q. Or other expenses that may have gone to
21 the Wildlife Advocacy Project?
22 A. No.
23 Q. And again, you've listed a humane law
24 enforcement inspection from 7/17. Is that another
25 inspection of Ringling Bros. Circus?

20 (Pages 74 to 77)

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1 A. I don't believe it was the Ringling Bros.
 2 Circus. It could have been the Clyde Beatty circus.
 3 Q. Media relations you've listed at 5 percent
 4 of staff time.
 5 A. Correct.
 6 Q. And what types of activities would that
 7 have entailed?
 8 A. I believe that was their work on
 9 publicizing the enforcement report and any
 10 developments related to the lawsuit.
 11 Q. When you say enforcement report, that's
 12 the report we discussed earlier, correct?
 13 A. Correct.
 14 Q. And Animal Watch articles, again, I'm
 15 going to assume are those --
 16 A. Correct.
 17 Q. -- approximately one and a half pages. In
 18 2004, you have the same salary and benefits which I'm
 19 assuming is the same calculation method.
 20 A. Correct.
 21 Q. Along with your 10 percent of legislative
 22 alerts that are listed as supporting expenses.
 23 A. Correct.
 24 Q. And next you have \$5,000 to Meyer &
 25 Glitzenstein?

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1 A. Correct.
 2 Q. To your knowledge, were any of those
 3 payments intended to end up with Mr. Rider?
 4 A. No.
 5 Q. Were any of those payments intended to end
 6 up with the Wildlife Advocacy Project?
 7 A. No.
 8 Q. And media relations, it says approximately
 9 5 percent of staff time. And what efforts were those
 10 made -- what efforts did those include?
 11 A. They included any kind of support with the
 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?

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1 A. They may have.
 2 Q. Did you have any discussions with any of
 3 the other plaintiffs regarding continuing funding
 4 past 2003?
 5 A. Yes.
 6 Q. And what were those discussions?
 7 MS. OCKENE: I'm going to object just to
 8 the extent that it calls for attorney-client
 9 communications and instruct you not to answer, just
 10 to the extent it would include such conversations.
 11 BY MS. DALTON:
 12 Q. You can continue, with that instruction.
 13 So if there were any conversations that you had that
 14 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
 24 regarding whether or not to provide Mr. Rider with
 25 any continuing funding past 2003?

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1 A. Yes. Both with the Fund For Animals and
 2 AWI and recognizing the good work that Mr. Rider was
 3 doing and the ASPCA's inability to continue funding
 4 his expenses to continue that work due to other
 5 budgetary needs.
 6 Q. As a result of ASPCA's inability to
 7 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
 11 expenses.
 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 Q. 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.
 25 Q. Do you know if this funding was being

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1 provided through the Wildlife Advocacy Project?
 2 A. I do not know.
 3 Q. As we're on the topic of funding, I would
 4 like to just go back and find out what else you know
 5 about the Wildlife Advocacy Project. Do you know
 6 when this project was formed?
 7 A. I do not.
 8 Q. When did you learn of it?
 9 A. I believe it was in 2001 or 2002.
 10 Q. So prior to 2001, to the best of your
 11 knowledge, you didn't know that this entity existed?
 12 A. Correct.
 13 Q. Do you know if the Wildlife Advocacy
 14 Project is separately incorporated?
 15 A. I believe it is.
 16 Q. And you said before it was incorporated as
 17 a 501(c)(3), to your knowledge?
 18 A. Correct.
 19 Q. Can you describe in a little bit more
 20 detail what your understanding of what the Wildlife
 21 Advocacy Project does?
 22 A. My understanding is that they advocate for
 23 the humane treatment of wildlife and the preservation
 24 of the species and their habitat.
 25 Q. When you say wildlife and the preservation

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1 of the species and their habitat, are you referring
 2 to a particular species?
 3 A. No, just generally.
 4 Q. Do you know -- is anybody employed by the
 5 Wildlife Advocacy Project?
 6 A. I do not know.
 7 Q. Do you know if they have any board
 8 members?
 9 A. I do not know that.
 10 Q. Who do you know that is associated with
 11 the Wildlife Advocacy Project?
 12 MS. OCKENE: This is asked and answered
 13 already, but go ahead.
 14 THE WITNESS: Kathy Meyer and Eric
 15 Glitzenstein.
 16 BY MS. DALTON:
 17 Q. And what is Tom Rider's association with
 18 the Wildlife Advocacy Project?
 19 A. I have no idea.
 20 Q. I would like to just go through and -- we
 21 looked at a few invoices that were produced, but I
 22 kind of want to go back and kind of recap what types
 23 of funding you provided to the Wildlife Advocacy
 24 Project.
 25 And in 2001, I believe you said that you

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1 had provided -- you may have provided some of that --
 2 some funding to the Wildlife Advocacy Project through
 3 your invoices to Meyer & Glitzenstein, is that
 4 correct?
 5 A. That's correct.
 6 Q. Can you estimate approximately what
 7 percentage of the Wildlife Advocacy Project expenses
 8 would have been included in your payments to Meyer &
 9 Glitzenstein?
 10 A. Overall percentage -- I mean, overall
 11 expenses to Meyer & Glitzenstein?
 12 Q. Exactly. And just in 2001 at this point.
 13 A. I believe it was \$7,400 of the \$9,000.
 14 Q. And that \$7,400 was all intended to go to
 15 Mr. Rider?
 16 MS. OCKENE: Objection to form.
 17 THE WITNESS: Sorry?
 18 MS. OCKENE: I was just objecting to form.
 19 You can answer.
 20 BY MS. DALTON:
 21 Q. And you said that \$7,400 of the \$9,000 was
 22 marked as a payment to the Wildlife Advocacy Project?
 23 A. Correct.
 24 Q. What in particular was the \$7,400 a
 25 payment for?

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1 A. It was to reimburse Mr. Rider for his
 2 travel and general living expenses as he toured the
 3 country speaking with the media.
 4 Q. And in 2002, of your total payments to
 5 Meyer & Glitzenstein, what would you estimate was the
 6 payment intended for the Wildlife Advocacy Project?
 7 A. There was none.
 8 Q. Although there were no payments intended
 9 for the Wildlife Advocacy Project, you however had
 10 other payments that were intended to reimburse
 11 Mr. Rider, correct?
 12 A. Correct.
 13 Q. And I would like to have you run through
 14 that same analysis for 2003 specifically. Of your
 15 total payments to Meyer & Glitzenstein, what would
 16 you estimate were the payments intended for the
 17 Wildlife Advocacy Project?
 18 A. There were none.
 19 Q. But again, were some -- and then in 2003
 20 was the year when you stopped providing payments to
 21 Mr. Rider, correct?
 22 A. We provided reimbursements to Mr. Rider
 23 from January 2003 through May of 2003.
 24 Q. So in May 2003 was when you determined
 25 that you could no longer reimburse Mr. Rider for

22 (Pages 82 to 85)

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1 these expenses?
2 A. Correct.
3 Q. And you said that that was a budgetary
4 decision?
5 A. Correct.
6 Q. And who made that budgetary decision?
7 A. The budgetary decision was made in
8 November of 2002. We formulate our budget for the
9 following year in the November and December prior to
10 that new year.
11 Q. And who is involved in the budgetary
12 decision-making process?
13 A. Myself, our chief financial officer and
14 president.
15 Q. And who is your CFO?
16 A. Steve Eudene.
17 Q. And your president is Dr. Hawk?
18 A. In 2003, it was Ed Sayres.
19 Q. And is there board approval for your
20 budgets?
21 A. Yes.
22 Q. And who -- was one person in particular
23 responsible for making the decision to stop funding
24 Mr. Rider?
25 A. It was a joint decision.

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1 Q. Between you, your CFO and your president?
2 A. Correct.
3 Q. And in 2004, there have not been any
4 expenses to -- there were no expenses to Mr. Rider?
5 A. Correct.
6 Q. And there were no expenses to the Wildlife
7 Advocacy Project?
8 A. Correct.
9 Q. And in 2005, so far there have not been
10 any payments to Mr. Rider?
11 A. Correct.
12 Q. And there have been no payments to the
13 Wildlife Advocacy Project?
14 A. Correct.
15 Q. So your payments to the Wildlife Advocacy
16 Project were limited to 2001 and 2002, correct?
17 A. It was --
18 Q. I'm sorry, 2001.
19 A. Correct.
20 Q. Okay. Who approached you from the
21 Wildlife Advocacy Project regarding this funding?
22 A. I don't recall.
23 Q. 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?

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1 A. It was a discussion between myself and
2 Nancy Blaney, and she may have had a discussion with
3 Darcy at the time.
4 Q. When you say Darcy --
5 A. Darcy Kemitz, who was a staff person
6 working for the Wildlife Advocacy Project.
7 Q. I had asked you previously about who was
8 employed by the Wildlife Advocacy Project and you
9 said you didn't know, so this is one person --
10 A. Currently.
11 Q. Okay. Let's go back and I'll ask you
12 about that later. First I want to talk about this
13 discussion that you had with Nancy Blaney and
14 Darcy -- I'm sorry, what's Darcy's --
15 A. Kemitz.
16 Q. Can you spell that last name for me?
17 A. I believe it's K-e-m-i-t-z.
18 Q. Can you tell me the contents of that
19 conversation, please?
20 A. To the best of my knowledge, Darcy had
21 been working with Tom Rider in assisting him with his
22 work with the media to discuss his experience working
23 for Ringling Bros. and their treatment of Asian
24 elephants. And there was a conversation, to the best
25 of my knowledge, between Darcy and Nancy Blaney as to

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1 Mr. Rider's work with the media.
2 Q. And what was the conversation between
3 ASPCA and wildlife Advocacy Project regarding
4 Mr. Rider's work with the media? You said that Darcy
5 and Nancy had a conversation, so I'm asking you about
6 that.
7 A. To the best of my knowledge, it was how we
8 could assist Mr. Rider in continuing that work.
9 Q. And was the decision as to how to assist
10 Mr. Rider was providing the additional payments -- to
11 assist by providing a grant in 2001?
12 A. Correct.
13 Q. And do you know what the decision was --
14 do you know when the decision was made to provide
15 that grant through Meyer & Glitzenstein and not
16 directly to the Wildlife Advocacy Project?
17 A. I'm sorry, I don't understand the
18 question.
19 Q. Just recapping what you said and then I'll
20 follow up. You said that there was a conversation
21 between Darcy and Nancy regarding the best way that
22 the ASPCA could aid Mr. Rider's work with the media
23 A. Correct.
24 Q. And as a result of that, you said that
25 there was a decision that was made to provide a grant

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1 to the Wildlife Advocacy Project in 2001?
 2 A. Correct.
 3 Q. My question is, why did you make the grant
 4 through Meyer & Glitzenstein and not directly to the
 5 Wildlife Advocacy Project?
 6 A. The grant was made to the Wildlife
 7 Advocacy Project.
 8 Q. So there was a separate grant to the
 9 Wildlife Advocacy Project?
 10 A. That was the \$7,400.
 11 Q. Which is listed -- on page 31 of Exhibit
 12 3, you list a \$9,000 payment to Meyer & Glitzenstein.
 13 A. Correct.
 14 Q. And you said that of that \$9,000, \$7,400
 15 was the grant to the Wildlife Advocacy Project?
 16 MS. OCKENE: Objection. I think she said
 17 to the best of her knowledge.
 18 THE WITNESS: To the best of my knowledge.
 19 BY MS. DALTON:
 20 Q. But now you said that it was a separate
 21 payment. I'm just trying to figure out the
 22 mechanisms of that payment, if the \$7,400 was
 23 provided to Meyer & Glitzenstein or if it was
 24 provided separately to the Wildlife Advocacy Project.
 25 A. It's my understanding that it was issued

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1 to the Wildlife Advocacy Project, which is housed in
 2 the same office as Meyer & Glitzenstein.
 3 Q. You've named Darcy Kemitz as an employee
 4 of the Wildlife Advocacy Project?
 5 A. At that time, yes.
 6 Q. At 2001?
 7 A. Correct.
 8 Q. Do you recall any other individuals
 9 working for the Wildlife Advocacy Project at that
 10 time?
 11 A. No, I do not.
 12 Q. Do you recall any employees of the
 13 Wildlife Advocacy Project prior to 2001?
 14 A. I do not know.
 15 Q. What about following 2001?
 16 A. I do not have that information.
 17 Q. Do you know what percentage of the
 18 Wildlife Advocacy Project's efforts were focused on
 19 Ringling Bros.?
 20 A. No, I don't.
 21 Q. Do you know what percentage of the
 22 Wildlife Advocacy Project's efforts were focused on
 23 the issue of elephants in circuses?
 24 A. I don't.
 25 Q. I just want to go back and ask a few more

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1 questions about one other thing that we have
 2 discussed. We discussed a little bit about the
 3 process and the timing of when you decided to become
 4 a party to this lawsuit.
 5 A. Correct.
 6 Q. And you said that you were approached by
 7 Nancy Blaney in the D.C. office with a copy of the
 8 complaint?
 9 A. Correct.
 10 Q. And did you consult about whether or not
 11 to file this lawsuit with any other outside counsel?
 12 A. No.
 13 Q. Did you receive approval from the board of
 14 directors of the ASPCA before filing this lawsuit?
 15 A. No.
 16 Q. So the decision to file the lawsuit was
 17 exclusively made by you and Dr. Hawk?
 18 A. Correct.
 19 Q. We talked a little bit about some of the
 20 ASPCA's efforts to gather information regarding
 21 Ringling Bros. So I would like to kind of talk a
 22 little bit more broadly about those. And you've
 23 talked about speaking with Mr. Rider and you've
 24 said -- you talked a little bit about speaking with
 25 your co-plaintiffs. But I was wondering if there was

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1 anything else that the ASPCA has done to gather
 2 information about Ringling Bros.
 3 A. Other than the FOIA requests and the
 4 subsequent lawsuit to obtain those documents from
 5 USDA, no.
 6 Q. Have there been any efforts to gather
 7 information about Feld Entertainment?
 8 A. No.
 9 Q. Have you inquired under any state sunshine
 10 laws regarding Ringling Bros. or Feld Entertainment?
 11 A. No.
 12 Q. Have you hired any investigators to look
 13 into Ringling Bros. or Feld?
 14 A. No.
 15 Q. Have you hired any other lawyers besides
 16 Meyer & Glitzenstein to look into Ringling Bros.
 17 activities?
 18 A. No.
 19 Q. Have you ever asked another animal
 20 advocacy group to gather information regarding
 21 Ringling Bros.?
 22 A. No.
 23 Q. Have you ever paid a former Ringling Bros.
 24 employee for information about Ringling Bros.?
 25 A. No.

24 (Pages 90 to 93)

Page 94	Page 96
<p>1 Q. You've paid Tom Rider, correct? 2 MS. OCKENE: Objection to the form, your 3 characterization of her testimony. 4 THE WITNESS: We reimbursed Tom Rider for 5 his expenses in his public outreach about his 6 knowledge of Ringling Bros.' treatment of the 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 17 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?</p>	<p>1 they will participate in protests regarding Ringling 2 Bros. performances? 3 A. We have a policy not to participate in 4 protests. 5 Q. And who determined that policy? 6 A. It's just our practice not to. 7 Q. Is that practice written down anywhere? 8 A. Not that I'm aware of. 9 Q. And is it a practice that you've 10 communicated to your employees? 11 A. I don't recall. 12 Q. And who was responsible for deciding that 13 ASPCA would not participate in protests of Ringling 14 Bros. performances? 15 A. Those types of policies are decided by the 16 strategic planning committee. 17 Q. And who is on the strategic planning 18 committee? 19 A. All of our vice presidents and senior vice 20 presidents. 21 Q. And how many people does that include? 22 A. Approximately 15. 23 Q. And you're one of those people? 24 A. Correct. 25 Q. And is the ASPCA contacted by other groups</p>
Page 95	Page 97
<p>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. Has ASPCA participated in any protests of 23 Ringling Bros. performance? 24 A. No. 25 Q. Does ASPCA have a policy of whether or not</p>	<p>1 regarding their efforts to protest Ringling Bros. 2 performances? 3 A. Yes. 4 Q. What groups contact ASPCA regarding their 5 efforts to protest? 6 A. Some local groups whose names I can't 7 recall. We'll get information from groups like PETA 8 about protests to ask us to join in. 9 Q. And what is your response to these 10 requests? 11 A. It's not our policy to engage in those 12 activities. 13 Q. How often do you receive those requests? 14 A. A few times maybe on a yearly basis. 15 Q. Have you received any requests in the past 16 three months to participate? 17 A. There probably was when Ringling Bros. 18 came to New York City. 19 Q. But you can't recall any specifically? 20 A. No. 21 Q. Other than PETA, can you think of any 22 other groups that might contact the ASPCA to protest, 23 to ask them to participate in a protest? 24 A. I can't speak for the other regional 25 offices but generally, no.</p>

25 (Pages 94 to 97)

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1 the document production process, correct?
2 A. Yes.
3 Q. Can you recall any other contact besides
4 those e-mail exchanges, conversations and meetings
5 that you've had with Mr. Rider?
6 A. No.
7 Q. So the last time you saw Mr. Rider was in
8 mid-2003?
9 A. I believe so.
10 Q. And to the best of your recollection, the
11 last time you spoke with him was in May?
12 A. Correct.
13 Q. I would like to go back to Exhibit 3,
14 which is the interrogatory responses, and I would
15 like you to focus your attention on interrogatory
16 number 16 which is pages 25 and 26.
17 A. Interrogatory 17, you said?
18 Q. No, 16.
19 A. Okay.
20 Q. It begins at the bottom of page 25.
21 A. Okay.
22 Q. It's the interrogatory in which we asked
23 for every communication you have had with current and
24 former employees of Ringling Bros. Circus.
25 A. Okay.

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1 Q. And I would like to turn your attention to
2 page 26.
3 A. Okay.
4 Q. The second -- well, it's actually the
5 first full sentence where it says, "Lisa Weisberg has
6 had numerous such communications with Mr. Rider but
7 those communications are protected by the
8 attorney-client relationship."
9 MS. OCKENE: I'm just going to point out
10 that these are referring to conversations that
11 involve a lawsuit. A moment ago we were talking
12 about conversations that involve litigation and
13 strategy. A moment ago you were talking about
14 something media. I think you were referring just to
15 media discussions.
16 THE WITNESS: Correct.
17 MS. OCKENE: But we do continue to object
18 to the extent that the conversations or
19 communications involved the litigation.
20 BY MS. DALTON:
21 Q. Was Mr. Rider, at the time of these -- the
22 communications that are referred to at the top of
23 page 26, do those refer to just communications you
24 had with Mr. Rider?
25 MS. OCKENE: What was the question? I

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1 didn't understand it.
2 BY MS. DALTON:
3 Q. It says Lisa Weisberg has had numerous
4 such communications with Mr. Rider but those -- when
5 referring to those communications, does that refer to
6 one-on-one conversations with Mr. Rider?
7 A. Some of them, yes.
8 Q. And you assert that the one-on-one
9 conversations between you and Mr. Rider are protected
10 by attorney-client privilege?
11 MS. OCKENE: To the extent that they
12 involve the litigation strategy and his role as a
13 plaintiff in the litigation as opposed to simply
14 communications and correspondence about media, public
15 outreach and education.
16 BY MS. DALTON:
17 Q. In what manner were you acting as counsel
18 to Mr. Rider during these conversations?
19 A. Based on his conversation and eyewitness
20 to the abuse inflicted on the elephants and how this
21 supported the litigation.
22 Q. Were you providing Mr. Rider with any
23 legal advice during these telephone conversations?
24 A. Not that I recall.
25 Q. Was he asking you for any legal advice

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1 during these conversations?
2 A. No. I think some of this also had to do
3 with our suit against USDA based on the documents we
4 were FOIAing.
5 MS. OCKENE: She's answered your questions
6 with respect to communications with Mr. Rider
7 concerning media and public outreach and she's going
8 to continue to answer those questions.
9 MS. DALTON: I'm allowed to explore a
10 little bit as to whether or not there was an
11 attorney-client relationship between Lisa Weisberg
12 and Mr. Rider. And I don't understand what the basis
13 for that attorney-client relationship is.
14 MS. OCKENE: The basis is that
15 Ms. Weisberg functions as counsel as well as
16 government relations and media outreach assistance in
17 this matter. And to the extent that she was
18 functioning as counsel for the ASPCA and discussing
19 with Mr. Rider issues involving the litigation and
20 litigation strategy and evidence that might be used
21 in the case, that's all protected by the
22 attorney-client privilege.
23 BY MS. DALTON:
24 Q. Do you have any agreement with Mr. Rider
25 that he is your client?

44 (Pages 170 to 173)

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1 A. No.
2 MS. OCKENE: Are you considering written
3 agreement or oral agreement, an understanding? There
4 is an agreement in this case that Ms. Weisberg does
5 serve as counsel for the ASPCA on this case.
6 BY MS. DALTON:
7 Q. Since 2003, have any other individuals
8 from ASPCA had any communications with Mr. Rider?
9 A. Not that I'm aware of.
10 Q. Have there been any meetings in which
11 Mr. Rider and individuals from the ASPCA were
12 present?
13 A. Not that I'm aware of.
14 Q. Were there any communications with anybody
15 from ASPCA and Mr. Rider prior to 2001?
16 A. Not that I'm aware of.
17 Q. Do you know if Dr. Hawk ever met with
18 Mr. Rider?
19 A. Yes.
20 Q. And do you know when those meetings
21 occurred?
22 A. It was sometime between 2001 and 2002.
23 Q. And do you know what was discussed at that
24 meeting?
25 A. Basically, his experiences when he worked

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1 at Ringling Bros. as well as his outreach to the
2 media and how they related to the lawsuit.
3 Q. What specifically did Mr. Rider tell
4 Dr. Hawk?
5 A. I don't recall.
6 Q. Do you have any recollection of what
7 Dr. Hawk may have told Mr. Rider?
8 A. I don't remember.
9 Q. Do you remember ever discussing that
10 meeting with Dr. Hawk?
11 A. I may have been at the meeting, but I
12 don't recall.
13 Q. Do you have any recollection of discussing
14 the meeting with Mr. Rider?
15 A. Not really.
16 MS. DALTON: I'll mark Exhibit 22.
17 (ASPCA Exhibit No. 22 was
18 marked for identification.)
19 BY MS. DALTON:
20 Q. Exhibit 22 is the minutes from an ASPCA
21 board of directors meeting on April 3rd, 2002,
22 correct?
23 A. Correct.
24 Q. And at the bottom, it was, I assume,
25 redacted for unresponsiveness and then at the bottom

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1 it states, "Major gifts department," correct?
2 A. Yes.
3 Q. Does the major gifts department refer to
4 donations to the ASPCA?
5 A. Yes.
6 Q. Does it also refer to donations made on
7 behalf of the ASPCA?
8 A. No, I believe it's just donations made to
9 the ASPCA.
10 Q. So it's just money coming in?
11 A. Major donations.
12 Q. And then underneath that paragraph, it
13 says that "he next outlined recent efforts of the
14 media relations department, including coverage of the
15 ASPCA Cares program launch, National Poison
16 Prevention week and Ringling Bros. Circus," correct?
17 A. Correct.
18 Q. And when it says Ringling Bros. Circus,
19 does that -- does the mention of Ringling Bros.
20 Circus relate back to the major gifts department?
21 A. No. It relates to the work that media
22 relations was doing in conjunction with Tom Rider.
23 Q. Just to clarify, I don't know if you
24 redacted this, but is the major gifts department not
25 a heading? Is it perhaps the end of the sentence

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1 before?
2 A. I believe so.
3 Q. Okay. That would explain my question.
4 A. Okay.
5 Q. When you said the media relations
6 department and their work with Ringling Bros. Circus,
7 does that involve Mr. Rider's efforts?
8 A. Yes.
9 Q. And does it involve any other efforts
10 besides Mr. Rider going out and speaking with the
11 press?
12 A. I believe it also involved disseminating
13 the information about the enforcement report that we
14 put together.
15 Q. That we discussed earlier today, correct?
16 A. Correct.
17 Q. Going back to page 26 of Exhibit 3, which
18 is the description that you provided of your
19 communications with Mr. Rider, can you recall
20 anything else from any of these contacts with
21 Mr. Rider?
22 A. Specific to his meeting with Dr. Hawk?
23 Q. Or any other conference calls you've had
24 with him that is not covered by the attorney-client
25 privilege.

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1 since 1996?
 2 A. PETA was opposed to some of the
 3 legislation we were working on and so they would
 4 contact us expressing their disapproval.
 5 Q. Have you collaborated on any projects
 6 since 1996?
 7 A. No.
 8 Q. So other than PETA contacting you to
 9 oppose certain legislation you were working on,
 10 you've had no contact -- when I say you, I mean the
 11 ASPCA entity has not had any contact?
 12 A. Let me amend that. They contacted us, I
 13 believe it was sometime last year, to write a letter
 14 to the Manhattan district attorney to pursue and
 15 prosecute some researchers at Columbia University in
 16 their lack of humane care and a violation of the
 17 state cruelty law with their use of baboons in some
 18 research project.
 19 Q. And what was the ASPCA's response?
 20 A. We reviewed their complaint and we decided
 21 to issue a letter to the Manhattan DA urging him to
 22 look into the matter. And we felt that based on the
 23 information we were given, that there were reasonable
 24 grounds that they violated the state anticruelty
 25 statute.

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1 Q. So other than the letter regarding the
 2 Columbia University researchers and their sporadic --
 3 or I don't know how often they write to you in
 4 opposition to -- I'm just lumping their letters in
 5 opposition to your positions as one kind of type of
 6 contact.
 7 A. Right.
 8 Q. And the second contact being the Columbia
 9 University letter. Can you recall any other
 10 contacts?
 11 A. Yes. The other contact was they were very
 12 critical of our relationship with Iams pet food
 13 company. And one of our senior vice presidents
 14 sitting on an advisory board regarding Iams' work
 15 with dogs and nutritional research that was being
 16 done.
 17 Q. Can you think of anything else?
 18 A. No.
 19 Q. Does the ASPCA have a position on PETA's
 20 euthanization of animals?
 21 A. I'm not aware of that. That's a recent
 22 incident and I don't know if we do or not.
 23 Q. Are you aware of the recent arrest of two
 24 PETA employees for animal cruelty?
 25 A. If you're referring to this euthanasia

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1 incident, I've heard about it, but I'm not that
 2 familiar with the charges or what happened.
 3 Q. Has ASPCA ever complained to Feld
 4 Entertainment directly about the care of animals at
 5 Ringling Bros.?
 6 A. Not that I'm aware of.
 7 MS. OCKENE: You're talking about other
 8 than the notice letters in this case?
 9 MS. DALTON: Yes.
 10 THE WITNESS: Not that I'm aware of.
 11 BY MS. DALTON: .
 12 Q. Since 1996, has ASPCA had any
 13 communications with anybody working for Feld?
 14 A. No.
 15 Q. We've talked about Tom Rider, so I just
 16 want to confirm that ASPCA has not had any contact
 17 with any other former Ringling employee since 1996?
 18 A. As far as I know, we have not.
 19 MS. DALTON: I would like to mark Exhibit
 20 23.
 21 (ASPCA Exhibit No. 23 was
 22 marked for identification.)
 23 BY MS. DALTON:
 24 Q. This is a fund-raiser for a July 21st,
 25 2005 fund-raiser, correct?

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1 A. Correct.
 2 Q. And this benefit is in part hosted by the
 3 ASPCA, correct?
 4 A. Correct.
 5 Q. Who from the ASPCA helped coordinate this
 6 event, or I should say helping to coordinate this
 7 event as it's in the future?
 8 A. Jo Sullivan who is our senior vice
 9 president for development.
 10 Q. Anybody else from ASPCA involved in
 11 coordinating this event?
 12 A. Our public relations firm has been
 13 assisting.
 14 Q. And which firm is that?
 15 A. GF Schwartz & Company.
 16 Q. Anybody else in house?
 17 A. I assisted a little bit.
 18 Q. So besides you and Joe, anybody else you
 19 can think of?
 20 A. No.
 21 Q. Whose idea was it to hold this event?
 22 A. I think it was really the three plaintiffs
 23 so that we can continue to support Tom Rider in his
 24 outreach to the public and the media.
 25 Q. When did ASPCA decide to co-host this

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1 event?
 2 A. I think it was about two months ago.
 3 Q. To whom were these invitations sent?
 4 A. They were sent to ASPCA high donors in the
 5 California area.
 6 Q. Anybody else besides that?
 7 A. They were also e-mailed to ASPCA
 8 supporters generally in California.
 9 Q. The invitation states that -- up at the
 10 top of page 2 of the invitation, it says, "Numerous
 11 eyewitness accounts and other evidence of the
 12 mistreatment of the elephants including deaths of
 13 several baby elephants have been collected for this
 14 lawsuit." Does that refer to the allegations listed
 15 in the complaint?
 16 A. Yes.
 17 Q. Does it refer to any other eyewitness
 18 accounts or other evidence that was not listed in the
 19 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
 23 other evidence not listed in your answers to
 24 interrogatories?
 25 A. I don't know.

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1 Q. Down at the bottom where it says -- it
 2 says this benefit will include, the second bullet
 3 point is, "Never before seen video footage of
 4 mistreatment of elephants at the Ringling Bros.
 5 Circus." Do you know what this video footage is?
 6 A. I don't.
 7 MS. DALTON: I'm asking counsel, is this
 8 new video that has not been produced to us?
 9 MS. OCKENE: I think the indication is
 10 never before seen by the public. It may have been
 11 stuff that even -- I'm sure -- I have no idea. I
 12 would have to double-check, but I think it's what's
 13 been produced already. Either been produced or been
 14 produced to us by USDA, like the Lawler footage that
 15 you've seen.
 16 MS. DALTON: If you can confirm that
 17 whatever is being shown at this has been also
 18 produced to us, I would appreciate that. And I would
 19 make a record request for any video that's going to
 20 be shown at this fund-raiser if it has not already
 21 been produced to us.
 22 BY MS. DALTON:
 23 Q. Will you be attending this event?
 24 A. No.
 25 Q. Have you discussed this event with other

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1 plaintiffs?
 2 A. Well, it was coordinated by --
 3 Q. But now I'm asking what your role
 4 specifically was.
 5 A. Oh, in coordinating this?
 6 Q. Yes.
 7 A. It was more just the wording of the
 8 invitation and sending it out to ASPCA supporters.
 9 Q. And who from the other plaintiffs were
 10 involved in putting together this program?
 11 A. I believe Cathy Liss -- Cathy Liss and her
 12 attorney, her in-house counsel, Tracy. I don't
 13 recall who was involved in the Fund, since I wasn't
 14 involved in all the conversations having to do with
 15 this coordinating it.
 16 Q. Were you involved in any conversations
 17 with the two hosts, Mr. Begley or Ms. Harper?
 18 A. No.
 19 Q. Do you know if anybody from the ASPCA
 20 discussed this with the CEO and president of the
 21 Humane Society?
 22 A. I don't.
 23 Q. Do you know why the Humane Society is
 24 co-hosting this event?
 25 A. I'm assuming it's because of whatever it

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1 was between them and the Fund For Animals. I don't
 2 know if it was a merger or legally what.
 3 Q. Has the Humane Society joined the ASPCA as
 4 a plaintiff in this case?
 5 A. No.
 6 Q. Have you, by any chance, seen any talking
 7 points from Mr. Pacelle's concluding remarks?
 8 A. No.
 9 Q. Have you seen any other materials that are
 10 going to be included in this presentation?
 11 A. No.
 12 Q. The invitation also says that there are
 13 eyewitness accounts of elephant abuse by Tom Rider
 14 and other former Ringling Bros. employees, correct?
 15 A. Yes.
 16 Q. Who are the other former Ringling Bros.
 17 employees?
 18 A. I don't know.
 19 Q. Does anybody at ASPCA know who these
 20 individuals are?
 21 A. Not that I'm aware of.
 22 Q. So as far as you know, the only person who
 23 is going to be speaking at this event is Tom Rider?
 24 A. Correct.
 25 Q. Has the ASPCA hosted any other events to

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1 raise funds for this lawsuit in the past?
2 A. No.
3 Q. Have any of the other plaintiffs?
4 A. I don't know.
5 Q. Have any other animal rights groups hosted
6 events to help raise funds for this lawsuit?
7 A. Not that I'm aware of.
8 Q. And the purpose of this fund-raiser is to
9 provide additional funding for Tom Rider to continue
10 his outreach?
11 A. Correct.
12 Q. And do you know if Tom Rider is currently
13 receiving money from any of the other plaintiffs in
14 this case?
15 A. I don't know.
16 Q. Did they mention anything about their
17 support of Tom Rider in any conversations you've had
18 with them?
19 A. With the plaintiffs?
20 Q. Yes.
21 A. No.
22 MS. OCKENE: This has been asked and
23 answered earlier.
24 MS. DALTON: I'm just confirming. I just
25 want to make sure.

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1 BY MS. DALTON:
2 Q. And just to confirm, you have no idea who
3 the other Ringling employee is?
4 A. I don't.
5 Q. And you took a look at the text of this
6 invitation prior to it being sent out?
7 A. Very cursory.
8 Q. And it didn't pop out that there was
9 another former Ringling employee who was going to
10 speak?
11 A. No.
12 Q. Do you know who ASPCA is planning to call
13 as a witness in this case?
14 A. No, not really.
15 Q. Do you know Nicole Adrian?
16 A. No.
17 Q. Do you know Deniz Bolbol?
18 A. No.
19 Q. Do you know Joseph Patrick CuvIELLO?
20 A. No.
21 Q. Do you know Christine Franco?
22 A. No.
23 Q. Do you know Alfredo Kuha?
24 A. No.
25 Q. Do you know Miyun Park?

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1 A. No.
2 Q. Do you know Jim Parsons?
3 A. No.
4 Q. Do you know Ed Stewart?
5 A. No.
6 Q. Do you know Betty Swart?
7 A. I met her once.
8 Q. When did you meet her?
9 A. I don't recall the exact date. It was a
10 few years ago.
11 Q. And --
12 A. She may have been at the press conference
13 announcing this lawsuit. I honestly don't recall.
14 Q. Did you have any conversations with her at
15 that time?
16 A. Just, you know, introduced myself.
17 Q. We've spoken about Tom Rider at length so
18 I won't ask you about that. You mentioned that you
19 did not know Kelly Tansy, correct?
20 A. Correct.
21 Q. And Lynette Williams?
22 A. No.
23 Q. Lauren Silverman?
24 A. No.
25 Q. Andi Bernat?

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1 A. No.
2 Q. Do you know Frank Hagan?
3 A. I've heard of him, but I don't know him.
4 Q. Has ASPCA had any contact with Mr. Hagan?
5 A. Not that I'm aware of.
6 MS. DALTON: Mark as Exhibit 24.
7 (ASPCA Exhibit No. 24 was
8 marked for identification.)
9 BY MS. DALTON:
10 Q. What's been marked Exhibit 24 is a copy of
11 the complaint that you and the other plaintiffs filed
12 in this case.
13 A. Yes.
14 Q. Can you turn to page 75 of the complaint?
15 I'm sorry, paragraph 75 on page 16.
16 A. Okay.
17 Q. In that paragraph, you allege that
18 Ringling Bros. keeps its elephants in chains for up
19 to 20 hours a day, correct?
20 A. Correct.
21 Q. What's the basis for that claim?
22 A. That was based on what Tom Rider told us
23 and I believe Ringling Bros.' own admissions.
24 Q. Do you have any evidence that Ringling
25 Bros. keeps its elephants in chains for 20 hours a

54 (Pages 210 to 213)