

## **PLAINTIFFS' EXHIBIT 10**

To Plaintiffs' Opposition to Defendant Feld  
Entertainment, Inc.'s Motion for Leave to Amend  
Answers to Assert Additional Defense and Rico  
Counterclaim

Civ. No. 03-2006 (EGS/JMF)

1 THE COURT: Plaintiff's 88 and 89 are admitted  
2 over objection.

3 (The bills marked for identification as  
4 Plaintiff's Exhibit Nos. 88 and 89 were received  
5 in evidence.)

6 BY MR. HIRSCHKOP:

7 Q 89 is Sells-Floto special operations, \$3,793 for  
8 reference B. What was that for, for the reference B,  
9 Putting People First?

10 A 89?

11 Q Yes.

12 A I don't know.

13 MR. HIRSCHKOP: I would move No. 90 in evidence.  
14 Your Honor.

15 THE COURT: Plaintiff's 90 is admitted over  
16 objection.

17 (The bill marked for identification as  
18 Plaintiff's Exhibit No. 90 was received in  
19 evidence.)

20 MR. HIRSCHKOP: I'd move No. 91 into evidence,  
21 Your Honor.

22 THE COURT: Number? I'm sorry. 90?

1 the name."

2 Do you see that?

3 A I see that, yeah, the name.

4 Q Animal Rights Litigation, Inc. What is Animal  
5 Rights Litigation, Inc.

6 A I don't recall.

7 Q Did it ever come to your attention that PETA  
8 printed a lot of literature that other groups used?

9 A I think that's probably true.

10 Q Thank you, sir.

11 Look at page -- it will be four 0s and 9 in the  
12 lower right-hand corner.

13 A 04?

14 Q Quadruple 09?

15 A Got it.

16 Q At the bottom, "Money. Putting People First is  
17 still in its infant stages. We have taken control of  
18 circus activities within the same, but they need some help  
19 with fund-raising."

20 Do you recall that?

21 A (No response).

22 Q Sir?

1 MR. HIRSCHKOP: 91.

2 THE COURT: 91.

3 MR. HIRSCHKOP: To speed the thing up, I've  
4 agreed with counsel if it's billing or report I needn't ask  
5 the witness about it; I can just move it.

6 THE COURT: Mr. Cawley.

7 MR. CAWLEY: That's fine, subject to the  
8 objection.

9 THE COURT: The same objection certainly  
10 Plaintiff's 91 is admitted over objection.

11 (The document marked for identification as  
12 Plaintiff's Exhibit No. 91 was received in  
13 evidence.)

14 BY MR. HIRSCHKOP:

15 Q Sir, take a look at 91, would you, please.

16 MR. HIRSCHKOP: Would you put on it the screen,  
17 please, the bottom.

18 BY MR. HIRSCHKOP:

19 Q Do you see that bottom paragraph there, "Opening  
20 night. PPF group arrives at 6 p.m. About two dozens  
21 demonstrators from PETA groups. They have posters, two  
22 children in costumes. Not protesting under PETA, but using

1 A I don't -- I don't recall it except for seeing it  
2 here.

3 Q All right. Look at the middle of that next page,  
4 triple 0 10. Do you have that, sir?

5 A I do.

6 Q The second part, the middle of the page, sir.

7 A Okay.

8 Q "Attack PETA at their weak points; lawsuits,  
9 legislation, government interaction, money irregularities,  
10 public support. Get other industry involved in fight.  
11 Fur, animal research, government, et cetera."

12 Did you authorize Mr. Froemming to do all those  
13 things?

14 A No. I think he's making suggestions.

15 Q It goes -- I'm sorry. Did you finish?

16 It goes on to state, "By keeping up the pressure  
17 other PETA on both fronts, they will have a hard time  
18 keeping demonstrators on the front line. Will spend more  
19 of their resources in defending their actions."

20 This was all about countering PETA's  
21 demonstrations, wasn't it?

22 A I think when you're under attack by an

1 tiger. Did you used to call her the tiger?

2 A No. I mean her reputation as someone that  
3 would be characteristic of a tiger.

4 Q Well, we are not going to reputations.

5 A But you asked me what that meant, so I'm  
6 telling you what I thought it meant.

7 Q Okay. Were you reputed as the tiger at your  
8 headquarters?

9 A No.

10 MR. HIRSCHKOP: I move into evidence, Your  
11 Honor, Exhibits 475 through 481, 481-A.

12 THE COURT: Plaintiff's 475 through 481-A are  
13 admitted.

14 (The documents previously marked for  
15 identification as Plaintiff's Exhibit Nos.  
16 475 - 481-A were received in evidence.)

17 MR. HIRSCHKOP: I move in Exhibit 482, Your  
18 Honor.

19 THE COURT: Plaintiff's 482 is admitted over  
20 objection.

21 (The document previously marked for  
22 identification as Plaintiff's Exhibit

1 from an attack, constant demonstrations with invalid  
2 information, incorrect information, with malicious  
3 information. The signs that you use at those  
4 demonstrations contain improper information. It's not  
5 true.

6 Q I'm sorry. Perhaps I asked the question  
7 poorly. My question is what benefit you got. My  
8 question is what did he do?

9 A He monitored the organizations, and he  
10 produced counterdemonstrations.

11 Q Did he personally produce counter-  
12 demonstrations, or was that done by the operatives  
13 inside --

14 A He was a manager and coordinated and planned  
15 those counterdemonstrations. That's what he did.

16 Q Counterdemonstrations by whom? By Putting  
17 People First?

18 A Perhaps. And perhaps other people in other  
19 circumstances.

20 Q Who else was putting on counter-  
21 demonstrations? Were there other organizations you  
22 took over besides Putting People First?

1 No. 482 was received in evidence.)

2 MR. HIRSCHKOP: Put 482 on the screen,  
3 please.

4 BY MR. HIRSCHKOP:

5 Q Are you okay, Mr. Smith? Do you need a  
6 drink?

7 A I'm okay.

8 Q Mr. Smith, would you look at Exhibit 482,  
9 please.

10 A I have it.

11 Q This is Sells-Floto page to Richlin,  
12 \$1,104,198 from September '91 through September '92.  
13 What did he do for that money, \$1.1 million over that  
14 year?

15 A I would have to look at the invoices.

16 Q Just your recollection. We've gone through  
17 he put operatives in PETA. He put operatives in PAWS.  
18 He got private bank account information. He got  
19 personal information. He got social security numbers.  
20 Is that worth \$1.1 million to Feld?

21 A I think the key thing that he was doing, as I  
22 said yesterday, he was trying to protect the company

1 A I don't know if it was in this period of time  
2 or not. There was another organization called Go APE,  
3 but I don't know if it was during this period of time.

4 Q Let's talk about Go APE. You people paid the  
5 money to incorporate Go APE?

6 A I don't recall if we paid the money or not.

7 Q Do you recall it was a woman named Julie  
8 Lewis, who I asked you about, who incorporated Go APE,  
9 ran Go APE in the State of California?

10 A Okay.

11 Q Can you point to one demonstration Go APE  
12 ever put on any where, any time, any place?

13 A I don't have that data with me, but --

14 Q In point of fact, you know they have --

15 MR. CAWLEY: Objection. He should be allowed  
16 to finish.

17 Q Of course.

18 A But these costs represent my costs to defend  
19 myself against unmitigated attacks.

20 Q My question is only what he did, not why you  
21 did it.

22 A I told you. He planned counter-