UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

:

Plaintiffs,

Case No. 03-2006 (EGS/JMF)

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

v.

:

Defendants.

Defendants.

EXHIBIT 39

TO

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

Cathy Liss 30(b)(6)

Washington, DC

May 18, 2005

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IN THE UNITED STATES DISTRICT COURT	1
FOR THE DISTRICT OF COLUMBIA	2
3 X	3
AMERICAN SOCIETY FOR THE :	4
PREVENTION OF CRUELTY TO :	5
ANIMALS, et al.,	6
Plaintiffs, : Case No. 03-2006(EGS)	7
	8
RINGLING BROS. AND BARNUM & :	9
BAILEY CIRCUS, et al., :	10
Defendants. :	11
X	12
Washington, D.C.	13
Wednesday, May 18, 2005	14
Videotape Deposition of CATHY LISS, a	15
30(b)(6) witness herein, called for examination by	16
counsel for Defendants in the above-entitled matter,	17
pursuant to notice, the witness being duly sworn by	18
SUSAN L. CIMINELLI, a Notary Public in and for the	19
District of Columbia, taken at the offices of	20
Covington & Burling, 1201 Pennsylvania Avenue, N.W.,	21
	22
Washington, D.C., at 9:38 a.m., Wednesday, May 18,	23
2005, and the proceedings being taken down by	24
Stenotype by SUSAN L. CIMINELLI, CRR, RPR, and	25
transcribed under her direction.	۷ ک

Washington, DC

D	120	Π	
	age 138	١.	Page 140
1 Q. Who was there from the ASPCA? 2 A. Lisa Weissberg.			A. For him to do to speak at events.
2 A. Lisa Weissberg. 3 Q. Who was there from Fund for Animals?		2	Q. What events has he spoken at on behalf of
4 A. Mike Markarian.		3	AWI?
5 Q. Anyone else? Not from the Fund in		4	A. He has never spoken on behalf of AWI.
6 particular, but was there anyone else in general		5	Q. What events has AWI paid him to speak at?
7 there?		6	A. We haven't paid him we paid his
8 A. Our counsel.		8	transportation costs so that he could go to Atlanta,
9 Q. Ms. Meyer?		9	for example, to speak.
10 A. Yes.			Q. Okay. Tell me all the events for which
11 Q. Anyone else?		10	you paid his transportation costs so he could go
12 A. I don't recall who else was present.		11 12	speak.
13 Q. How long did that meeting last?		13	A. I couldn't tell you. It's not very many.
14 A. Couple hours at most.		14	Q. What do you mean by not very many? How
15 Q. Are there any other occasions on which you	- 1		many are we talking about?
16 met Mr. Rider?	ı	15	A. Given that the it's \$2,000 for a hotel
17 A. No.	ı	16 17	and transportation, it doesn't go very far. Maybe
18 Q. Does Mr. Rider ever work for AWI?		18	three.
19 A. No.	- 1	19	Q. How did you decide when to, when to pay
20 Q. Has Animal Welfare Institute ever paid	-	20	for Mr. Rider's let me rephrase that. Has it been
21 Mr. Rider any money?	- 1	21	at your request that Mr. Rider has gone to speak at these events?
22 A. Yes.	- 1	22	A. Yes.
23 Q. How much did they pay him?	- [23	
24 A. Couple thousand dollars.	1	24	Q. And why have you decided to ask Mr. Rider to speak at these particular events?
25 Q. When was that?		25	A. They were in conjunction with appearances
		23	71. They were in conjunction with appearances
Pa	ge 139	77.	Page 141
1 A. Over the course of five years. Roughly		1	of the circus and we thought it was important to
2 from 2000 forward.	- 1	2	educate the public about what he observed.
3 Q. Are you still making payments to him?		3	Q. And when you say the circus, do you mean
4 A. No.	1	4	specifically Ringling Bros.?
5 Q. When was the last time you made a payment	1	5	A. Yes.
6 to him?		6	Q. So you paid Mr. Rider's expense travel
7 MS. OCKENE: Objection to the		7	expenses to go speak about Ringling Bros. in cities
8 characterization that there were payments on some		8	where Ringling Bros. was performing?
9 schedule.	- 1	9	A. That's correct. We contributed towards.
MR. WOLSON: I don't think I made that	1	10	Yes.
11 characterization.		11	Q. Was it always at your initiative that you
MS. OCKENE: I'm still objecting to the		12	contributed towards it?
13 form.		13	A. No.
14 THE WITNESS: We have no plans to give him	1	14	Q. Whose initiative was it?
15 additional moneys at this time.		15	A. It might have been his, too.
16 BY MR. WOLSON:		16	Q. He approached you to ask you to
17 Q. Well, my question was when was the last		17	contribute?
18 time you made a payment to him?		18	A. Yes.
19 A. At some point in 2005. I don't recall the		19	Q. Has he ever asked for anything more than
20 date specifically.	12	20	his travel expenses?
Q. So within the last four an a half months?		21	A. No.
22 A. Yes.	2	22	Q. Is all the money that you paid him for
Q. What were you paying him for?	2	23	travel expenses?
24 A. For public education.	1 2	24	A. Ŷes.
Q. What do you mean by public education?	2	25	Q. On the times that you've reimbursed him,
		Alexander (Santa	

Page 1

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4	AMERICAN SOCIETY FOR THE :
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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.

Washington, DC

Bros. Q. What other activities were covered in the Society of the Society of		Page 46		Page 48
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 don't recall. 14 MS. DALTON: I would like to mark Exhibit 15 if we could perhaps discuss that. We didn't receive! 16 any check request for Mr. Rider specially. 17 THE WITNESS: Well, they weren't to 18 davance money to him to purchase a Greyhound bus 19 expenses or I would preapy his hotel rooms. So there! 19 avance money to him to purchase a Greyhound bus 10 teket or to reimburse him for his daily living 11 expenses or I would preapy his hotel rooms. So there! 12 avan rever any checks written to Mr. Rider. 13 BY MS. DALTON: 14 Mr. Rider, the check requests. We would either 15 advance money to him to purchase a Greyhound bus 16 cetted to to reimburse him for his daily living 17 expenses or I would preapy his hotel rooms. So there! 18 avance money to him to purchase a Greyhound bus 19 cetters or I would preapy his hotel rooms. So there! 20 as never any checks written to Mr. Rider. 21 BY MS. DALTON: 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 26 van detail and the some of the dother smaller items were reimbursed to him through 26 petty cash. 27 A. Correct. 28 Q. And those were all in 2003? 29 A. Correct. 30 Q. And those were all in 2003? 40 A. Correct. 41 Ms. DaLTON: 42 A. Ornect. 43 A. A the time, we had no way of getting the money to Mr. Rider for his Greyhound bus tickets, to travel the country, and the series of the check made payable to Meyer do not the check made payable to Meyer do not the check made payable to Meyer do not the check made payable to Mey	1		1	
3 A. Can't answer that. 4 A. They were to reimburse Tom Rider for his general living expenses to travel the country and meet with the media. 5 Q. Did you have any direct – did you provide Mr. Rider with any direct payments or were all of your – that's my question. Did you provide him with any direct payments or were all of your – that's my question. Did you provide him with any direct payments? 10 A. Yes, in 2003, I believe. 11 A. Yes, in 2003, I believe. 12 Q. Did you provide that check request to us? 13 A. I don't recall. 14 MS. DALTON: I don't recall that, so Kim, if we could perhaps discuss that. We didn't receive any check request for Mr. Rider specifically. 15 if we could perhaps discuss that. We didn't receive any checks were money to him to purchase a Greyhound bus ticket or to reimburse him for his daily living expenses or I would prepay his hotel rooms. So there are money to him to purchase a Greyhound bus ticket. BY MS. DALTON: 16 any direct payments of the didn't receive any checks written to Mr. Rider. 17 THE WITNESS: Well, they weren't to grey advance money to him to purchase a Greyhound bus ticked or to reimburse him for his daily living expenses or I would prepay his hotel rooms. So there are any checks written to Mr. Rider. 18 MS. DALTON: 19 A. Correct. 20 Q. So there aren't not purchase a Greyhound bus ticked was the sever any checks written to Mr. Rider. 21 Page 47 22 was never any checks written to Mr. Rider. 22 A. The hotel rooms were oftentimes put on my American Express corporate card, and then some of the other mandler items were reimbursed to him through petty cash. 22 Q. So there aren't any documents that would to the standard reimbursements to Mr. Rider for any of the other smaller items were reimbursed to him through petty cash. 24 Q. So there aren't any documents that would to the standard reimbursements to Mr. Rider for any of the other smaller items were reimbursed to him through petty cash. 25 Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider fo	1			
4 A. They were to reimburse Tom Rider for his general living expenses to travel the country and meet with the media. 7 Q. Did you have any direct – did you provide Mr. Rider the with any direct payments or were all of your — that's my question. Did you provide him with 10 any direct payments or were all of your — that's my question. Did you provide him with 110 any direct payments or were all of your — that's my question. Did you provide him with 110 any direct payments or were all of your — that's my question. Did you provide him with 110 any direct payments or were all of your — that's my question. Did you provide him with 110 any direct payments or were all of the coult perhaps discuss that. We didn't receive any check request for Mr. Rider specifically. 15 if we could perhaps discuss that. We didn't receive any check requests. We would either advance money to him to purchase a Greyhound bus teket or to reimburse him for his daily living expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms. So there 2 expenses or I would prepay his hotel rooms.	•	•	ĺ	
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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, 16 if we could perhaps discuss that. We didn't receive 17 any check request for Mr. Rider specifically. 18 Mr. Rider, the check requests. We would either 19 advance money to him to purchase a Greyhound bus 10 ticket or to reimburse him for his daily living 11 expenses or I would prepay his hotel rooms. So there 12 was never any checks written to Mr. Rider. 12 BYMS. DALTON: 14 Mr. Rider, the check requests. We would either 15 advance money to him to purchase a Greyhound bus 16 ticket or to reimburse him for his daily living 17 expenses or I would prepay his hotel rooms. So there 18 advance money to him to purchase a Greyhound bus 19 ticket or to reimburse him for his daily living 20 expenses or I would prepay his hotel rooms. So there 21 a BYMS. DALTON: 22 was never any checks written to Mr. Rider. 23 BYMS. DALTON: 24 Q. So there aren't any documents that would 25 reflect any of those purchases or any of those 26 Page 47 27 monetary advances? 28 A. The hotel rooms were oftentimes put on my 29 American Express corporate card, and then some of the 21 other smaller items were reimbursed to him through 25 petty cash. 26 Q. And this was dale room of the other smaller items were reimbursed to him through 27 thin of the content of the other smaller items were reimbursed to him through 28 tell me - if you could go into more detail as to 29 what the \$6,000 grant was originally for. 30 A. Correct. 31 A. Do. 42 Q. Returning to Exhibit 7. So if you could 32 tell me - if you could go into more detail as to 33 what he \$6,000 grant was originally for. 34 A. Correct. 35 Correct of this Greyhound bus tickets, to travel the country, 36 basic day-to-day living expenses, food, lodging. 37 A.	ŧ	· · · · · · · · · · · · · · · · · · ·		•
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. 15 if we could perhaps discuss that. We didn't receive any check request for Mr. Rider specifically. 16 any check request for Mr. Rider specifically. 17 THE WITNESS: Well, they weren't to advance money to him to purchase a Greyhound bus ticket or to reimburse him for his daily living expenses or I would prepay his hotel rooms. So there are was never any checks written to Mr. Rider. 18 Mr. Rider, the check requests. We would either advance money to him to purchase a Greyhound bus ticket or to reimburse him for his daily living expenses or I would prepay his hotel rooms. So there was never any checks written to Mr. Rider. 19 MS. DALTON: 20 So there aren't any documents that would reflect any of those purchases or any of those Page 47 1 monetary advances? 2 A. The hotel rooms were oftentimes put on my a Mareican Express corporate card, and then some of the other smaller items were reimbursed to him through petty cash. 20 Q. And those were all in 2003? 3 A. Correct. 3 Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the cash of the single party cash. 4 Q. Can you think of any other direct payments or in-kind reimbursements to Mr. Rider for any of the sic self-burse of the sterimony? 3 A. Correct. 4 Q. Did you consult with Mr. Rider about the contents of his testimony? 5 A. A the time, we had no way of getting the contents of his testimony? 6 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. 4 A. No. 5 Q. Can this was all provided through the wildlife Advocacy Project? 5 Q. Did Mr. Rider know that the ASPCA was providing this funding? 6 Q. And this was all provided through the wildlife Advocacy Project? 7 A. C	1		l	
Mr. Rider with any direct payments or were all of 9 your — that's my question. Did you provide him with 2 any direct payments? A. Yes, in 2003, I believe. Q. Did you provide that check request to us? A. I believe I did. Mr. BoaLTON: I don't recall that, so Kim, if we could perhaps discuss that. We didn't receive any check request for Mr. Rider specifically. THE WITNESS: Well, they weren't to advance money to him to purchase a Greyhound bus 20 ticket or to reimburse him for his daily living expenses or I would prepay his hotel foroms. So there aren't any documents that would reflect any of those purchases or any of those 20 Q. So there aren't any documents that would other smaller items were reimbursed to him through petty cash. Mr. Rider with any direct payments of the seed of the money to him to purchase a Greyhound bus the lime of the seed of the payments of the seed of the petty cash. Page 47 monetary advances? 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 petty cash. Q. And those were all in 2003? A. No. Q. Returning to Exhibit 7. So if you could 13 tell me - if you could go into more detail as to years besides 2003? A. No. Q. Returning to Exhibit 7. So if you could 13 tell me - if you could go into more detail as to year besides 2003? A. Again, it was to reimburse Mr. Rider for any of the by sear besides 2003? A. Again, it was to reimburse Mr. Rider for any of the by sear besides 2003? A. Again, it was to reimburse Mr. Rider for any of the by sear besides 2003? A. Again, it was to reimburse Mr. Rider for any of the by sear day and the sound of the money to Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros. Q. Did Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros. Q. Did Mr. Rider can speak firsthand about his knowledge of what occurs at Ringling Bros. Q. Did Mr. Rider can speak firsthand about his knowledge of what occurs at Ringl	1			
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12 Q. Did you provide that check request to us? A. I believe I did.		•		
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Q. Did Mr. Rider, to your knowledge, receive 25 dated May 7th, 2001, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	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. Q. And this was all provided through the Wildlife Advocacy Project? A. Correct. Q. Did Mr. Rider know that the ASPCA was providing this funding through the Wildlife Advocacy Project?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	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? A. No. MS. DALTON: I would like to mark Exhibit 9. (ASPCA Exhibit No. 9 was marked for identification.) BY MS. DALTON:
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Michael Markarian

Washington, D.C.

June 22, 2005

Page 1

IN	THE	UNIT	ED S'	TATES	DIS	STRICT	COURT
	FOF	THE	DIS	TRICT	OF	COLUME	BIA
		Case	No.	03-20	006	(EGS)	

AMERICAN SOCIETY FOR THE PREVENTION OF

CRUELTY TO ANIMALS, et al.,

Plaintiffs,

v.

RINGLING BROS. AND BARNUM & BAILEY

CIRCUS, et al.,

Defendants.

Washington, D.C.
June 22, 2005

Deposition of MICHAEL MARKARIAN, a witness herein, called for examination by counsel for defendant, taken at the offices of COVINGTON & BURLING, 1201 Pennsylvania Avenue, Suite 1100, on the 22nd day of June, 2005, at 9:41 a.m. before Mary Ann Payonk, RPR, RMR, RDR, Certified Realtime Reporter and Notary Public.

Alderson Reporting Company 800-FOR-DEPO

Washington, D.C.

Page 154 Page 156 We have worked with the ASPCA on some Has the Animal Welfare Institute given the 2 legislative issues, state ballot initiatives, for 2 fund any money since 1996? example. 3 3 Not that I can recall. 4 Have any of those legislative issues Q 4 When did you first meet Tom Rider? 5 related to circuses? 5 A I can't recall exactly when I first met Not that I can recall particularly. 6. him. 7 Did you coordinate at all with the ASPCA 7 Do you know when the first time any 8 regarding the Captive Elephant Act and Protection Act? 8 employee from the fund met him? We may have. We routinely work with other 9 9 Α I don't know. 10 like-minded groups, but I don't particularly recall 10 0 Do you know how you were put in touch with 11 coordinating specifically with the ASPCA on that 11 him for the first time? 12 12 I don't recall. Α 13 Other than the legislative issues you've 13 Q Was it in connection with this case? 14 mentioned, can you think of anything else in which 14 Α I believe it was, yes. you've worked with the ASPCA since 1996 with the same 15 Other than this case, has the fund worked Q carve-outs that I started with? 16 on any other projects with Mr. Rider? 17 We -- we -- the Fund for Animals 17 We have in -- in some cases worked with 18 previously operated a spay/neuter clinic for dogs and him on the broader issue of -- of circuses in general, cats in New York City, and the ASPCA, because it's outside of the -- the scope of this case. 20 based in New York and because it has a great deal of 20 Q And what cases were those that you've 21 experience with -- with pet issues, we had consulted 21 worked with him? 22 with them on -- on spay/neuter issues and dog and cat 22 A He and I both attended a press conference 23 issues in general in the New York area but we 23 in Denver last summer in -- in relation to a --24 didn't -- we didn't work with the ASPCA on any other 24 supporting a -- a city ballot measure dealing with 25 issues that really come to mind immediately. 25 circuses. Page 155 Page 157 Does the fund no longer operate the 1 I know he has attended legislative 2 spay/neuter clinic in New York City? hearings in -- in some states and -- and press 3 That's correct. conferences in some states to -- to discuss the 4 Q Does the Humane Society operate it, then? treatment of animals in circuses, and we have worked 5 Α 5 with him on some of those issues. 6 Q Has it been shut down? 6 What do you mean when you say you've 7 Α Yes. 7 worked with him in connection with those legislative Since 1996 has the fund given the ASPCA 8 0 8 hearings and press conferences? any money? A I -- for example, staff member of the Fund 10 Not to my knowledge. 10 for Animals was at a -- a -- a press conference and 11 How about the other way? Has the ASPCA 11 rally in Harrisburg, Pennsylvania dealing with the 12 given the fund any money? 12 treatment of animals in circuses. Mr. Rider was also 13 Not that I can recall. Α 13 present there. 14 Q Other than this case and the FOIA matters 14 0 Was that a protest in Harrisburg? 15 that we talked about, has the fund had any contact 15 I don't particularly know if it was a Α with the Animal Welfare Institute since 1996? 16 protest. I was not personally present. I believe it 17 Similarly, we have worked with the Animal 17 was a -- a press conference and a rally to -- to 18 Welfare Institute on some legislative issues, 18 educate the public about the issue of circuses and the 19 primarily. 19 treatment of animals in circuses. 20 Were any of those legislative issues Q Okay. Has the fund ever -- has the fund 20 21 related to circuses? 21 ever paid Mr. Rider any money? 22 Not that I can recall, specifically. 22 Yes. Α 23 Has the fund given the Animal Welfare 23 On how many occasions? Q 24 Institute any money since 1996? 24 I believe there was one occasion. Last Α 25 Not to my knowledge. 25 July of 2004 we gave Mr. Rider \$1,000 to assist with

Michael Markarian

Washington, D.C.

June 22, 2005

Page 158 Page 160 his travel expenses to participate in the Denver press At that time, I believe he was working for conference, which I mentioned earlier. his own consulting business called Schubert and 3 3 Q When you say you gave him \$1,000, did you Associates. pay for him to -- to attend that press -- let me 4 What kind of consulting business was that? Q 5 rephrase that. 5 He did wildlife biology consulting and --6 Did you -- is the \$1,000 reflective of and research for various clients, including the Fund 7 expenses you incurred to purchase and make travel for Animals and other animal protection organizations. arrangements for him, such as air fare, or did you 8 And that was based in Phoenix? actually hand over the \$1,000 to make his own 9 Yes. 10 10 arrangements? Q It says that at that time, Mr. Schubert MS. MEYER: Objection to the form. 11 11 contacted Mr. Rider by telephone to determine whether 12 BY MR. WOLSON: he, I presume Mr. Rider, would be available to 13 Q You can answer. transfer to Phoenix to participate in a press We gave the \$1,000 directly to Mr. Rider. conference being hosted by the Animal Defense League 14 15 He made his own travel arrangements. of Arizona. Do you see that? 15 Did he submit any receipts for those --16 16 17 17 that thousand dollars? O Do you know where Mr. Rider was living at 18 A I believe that we did receive one receipt 18 that time? 19 from him. 19 No, I don't know. 20 20 Q Was that receipt for \$1,000? Do you know for whom he was working? 21 I don't -- I don't recall how -- the exact 21 No. I don't. Α 22 22 amount. 0 Do you know if he was working for Ringling 23 Do you know what the receipt was for? 23 Bros.? Q 24 My recollection is that he -- he -- that 24 I don't -- I don't know. I believe it was 25 it was a receipt for some repairs to his vehicle which 25 after he was no longer an employee of Ringling Bros. Page 159 Page 161 1 allowed him to drive to -- to Denver. Do you know how Mr. Schubert knew who So you never got a receipt from him for a Mr. Rider was? 3 hotel room? 3 I don't know how they met particularly. No, not to my knowledge. 4 Q Do you know how he knew where to reach Other than paying money, has the fund ever 5 Mr. Rider? given Mr. Rider any other sort of compensation, like 6 No, I don't know. 7 food or lodging or transport? 7 O Do you know why Mr. Schubert selected Not that I'm aware of. 8 Mr. Rider? Go back to the interrogatory responses and 9 9 No, I don't. Α look at interrogatory number 8 on page 25. I'm sorry, 10 It says here that arrangements were made for Mr. Rider to fly into Phoenix to Sky Harbor interrogatory 16. Interrogatory 16 asks for every 11 communication that you have had with any current or 12 Airport. Do you see that? 13 former employee of defendant since 1996. See that? 13 Α Yes. 14 Α Yes. 14 Who made those arrangements? Q 15 Q Okay. On page 26 is the start of a 15 I don't know. Α paragraph that lasts for about a page detailing some 16 0 Do you know who paid for Mr. Rider's 17 communications that Mr. Schubert has had with 17 flight? 18 Mr. Rider. Do you see that? 18 No, I don't. Α 19 Yes, I do. 19 The interrogatory response goes on to say 20 Okay. The first one of these occurred that Mr. Schubert picked Mr. Rider up, took him to 21 in -- what it says here was June or July of 1999 or dinner and dropped him off at a hotel. Do you see 21 22 2000. Do you see that? 22 that? 23 23 Α Yes. Α 24 24 0 Who was Mr. Schubert working for at that Q Do you know who paid for the dinner? time? 25 No, I don't.

Return of Organization Exempt From Income Tax
Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung
benefit trust or private foundation)

OMB No 1545-0047

Department of the Treasury

		the organization may have to use a copy of this feture to satisfy state reporting requirements		mispettion
A	For the 2	2005 calendar year, or tax year beginning ${ m JUL}~1,~2005$ and ending ${ m JUN}~30,~2$	006	
8	Check If	Please C Name of organization D Em	loyer	identification number
•	applicable	use IRS		
_	Addres	s label or ANIMAL WELFARE INSTITUTE 1	<u>3-5</u>	655952
	Name	type Number and street (or P.O. box if mail is not delivered to street address) Room/suite E Teli	phone	number
٣	ichange initial			836-4300
-	retum Final	Instruct Characterist conductor and ZID + 4	unting me	thoot Cash X Accrual
늗	return Amend		Other (specify	
<u> </u>	i netum			
	Appilca pendin	must attach a completed Schedule A (Form 990 or 990-EZ). H(a) Is this a group return f		
		n(a) is this a group retain t		
<u>G</u>	<u>Website</u>	: > WWW.AWIONLINE.ORG H(b) If "Yes," enter number ation type (check only one) > X 501(c) (3) < (insert no) 4947(a)(1) or 527 H(c) Are all affiliates included.		N/A Yes No
		(If 'No,' attach a list)		
K	Check he	ere In the organization's gross receipts are normally not more than \$25,000. The H(d) is this a separate return	n filed l	oy an or- oruling? Yes X No
1	organiza	tion need not file a return with the IRS; but if the organization chooses to file a return, be		22/2
	sure to fi	ile a complete return Some states require a complete return.		
			-	ation is not required to attach
_		ceipts. Add lines 6b, 8b, 9b, and 10b to line 12 5, 189, 387. Sch B (Form 990, 990	-EZ, 01	390-77).
P	art I	Revenue, Expenses, and Changes in Net Assets or Fund Balances	,	
	1	Contributions, gifts, grants, and similar amounts received.		
	a	Direct public support		
	b	Indirect public support		
	c	Government contributions (grants)		0 000 057
	d	Total (add lines 1a through 1c) (cash \$ 2,933,857. noncash \$)	1 d	2,933,857.
	2	Program service revenue including government fees and contracts (from Part VII, line 93)	2	
	3	Membership dues and assessments	3	
_	4	Interest on savings and temporary cash investments	4	201,582.
3	5	Dividends and interest from securities	5	161,426.
	6 a	Gross rents		
ß	b	Less: rental expenses		
9	C	Net rental income or (loss) (subtract line 6b from line 6a)	80	
	7	Other investment income (describe	7	
Ę	8 a		<u> </u>	
3ve		than inventory		
Ţ,	ь	Less, cost or other basis and sales expenses 1,865,112.8b	· 1	
CANNES	6	Gain or (loss) (attach schedule) 26,904 . 8c		
3	d	Net gain or (loss) (combine line 8c, columns (A) and (B)) STMT 1	8d	26,904.
	9	Special events and activities (attach schedule). If any amount is from gaming, check here	1	
Ź	a	Gross revenue (not including \$ of contributions	, ,	
30	"	reported on line 1a)		
•	b	Less, direct expenses other than fundraising expenses 9h		
	C	Net income or (loss) from special events (subtract line 9b from line 9a)	9c	
	10 a	400		
	b	Less cost of goods sold		
	C	Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)	10c	
	11	Other revenue (from Part VII, line 103)	11	506.
	12	Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)	12	3,324,275.
	13	Program services (from line 44, column (B))	13	1,529,250.
S	I	Management and general (from line 44, column (C))	14	66,690.
Expenses	14	Fundraising (from line 44, column (D)) RECEIVED	15	21,956.
×	15	Payments to efficience (attach schadula)	16	
Ш	16	Payments to affiliates (attach schedule)	17	1,617,896.
	17	(Dial expenses (and lines to and 44, colding (A))	18	1,706,379.
ī	10	Excess or (deficit) for the year (subtract line 17 from line 12) Net assets or fund balances at beginning of year (from line 73, column (A))	19	12,730,212.
Net Assets	19	Other changes in net assets or fund balances (attach explanation) (SEE STATEMENT 2	20	142,199.
~~~~	20	Net assets or fund balances at end of year (combine lines 18, 19, and 20)	21	14,578,790.
5230 02-0	21 01	A Mark All Mark All All All All All All All All All Al		Form 990 (2005)
02-0	3-06	LHA For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.		(=====)

6 15-18

Case		ocument 144-8 Filed 05	5/07/07 Page 10	of 12 13-5655952
ENVIRONMENTAL	WHALE & DOLPHIN CONSERVATION SOCIETY	BROOKFIELD HOUSE, 38 ST. PAUL ST, CHIPPENHAM, WHISHRE SNISILY UK	NONE	1,000.,
ENVIRONMENTAL	TOM RIDER	C/O CAPITAL ONE, P.O. BOX 85184, RICHMOND, VA 23285	NONE	786.
ENVIRONMENTAL.	BLUEVOICE.ORG	925 LAKEVILLE ST #354, PETALUMA, CA 94952	NONE	1,000
ENVIRONMENTAL	WILDLIFE ADVOCACY PROJECT	1601 CONNECTICUT AVE NW, STE 700, WASHINGTON, DC 2009	NONE	21,427
ENVIRONMENTAL	ULLA RASMUSSEN	C/O DANSKE BANK, FLAKHAVEN 1, 5100 ODENSE C DENMARK	NONE	5,000.
ENVIRONMENTAL	WASHINGTON STATE UNIVERSITY	DEPT OF VCAPP, P.O. BOX 646520, PULLMAN, WA 99164	NONE	5,000
ENVIRONMENTAL	OCEAN MAMMAL INSTITUTE	P.O. BOX 14422, READING, PA 19612	NONE	1,250.,
ENVIRONMENTAL	WHALEMAN FOUNDATION	801 2ND ST #410, SANTA MONICA, CA 90403	NONE	1,000.
ENVIRONMENTAL	RICHARD O'BARRY	7511 SW 59TH PLACE, MIAMI, FL 33143	NONE	5,000.,
ENVIRONMENTAL	EARTH ISLAND INSTITUTE, ECO	300 BROADWAY, STE 28, SAN FRANCISCO, CA 94133	NONE	500
ENVIRONMENTAL	UNIV OF ROCHESTER	DEPT OF COM MED, 601 ELMWOOD AVE, ROCHESTER, NY 14642		5,000.
ENVIRONMENTAL	TJL SCHOOL OF PHARMACY & HEALTH SCIENCES	751 BROOKSIDE RD, UNIV OF THE PACIFIC, STOCKTON. CA		5,000.
ENVIRONMENTAL	OHSU C/O SPECIAL PROJECTS	2525 SW 1ST AVE, STE 220, PORTLAND, OR 97201	NONE	5,000.,
ENVIRONMENTAL	ANITA CONTE- COLLEGE OF STATEN ISLAND	2800 VICTORY BLVD 4S-107, STATEN ISLAND, NY 10314	NONE	5,000

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#### **Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Open to Public Inspection

OMB No 1545-0047

The organization may have to use a copy of this return to satisfy state reporting requirements.

	al Revenu								
A F	or the 20	004 calendar year, or tax year beginning J	UL 1, 2004	and er	nding	JUN 30			
Вс	heck if	Please C Name of organization					D Emp	loyer ic	lentification number
8		use IRS							
	Address change	print or ANIMAL WELFARE INSTI	1	<u>3-5(</u>	555952				
	Name change	type. Number and street (or P.O. box if mail is no			number				
	initial return	Specific 1007 QUEEN STREET	7	03-8	336-4300				
一	Final	tinstruc- tions. City or town, state or country, and ZIP + 4							ned Cash X Accruel
F	Iretum Amende	1	4					Other specify)	<b>&gt;</b>
一	Ireturn Applicat pending	on Section 501(c)(3) organizations and 4947(a)(	1) nonexempt charitable trus	ts	Han	d Lare not app	licable	to sec	tion 527 organizations.
Ь	n benaing	must attach a completed Schedule A (Form 9)	30 or 990-EZ).			Is this a group r			
		►WWW.AWIONLINE.ORG				If "Yes," enter no			
4 Y	veosite;	tion type (check only one) \(\big  \times 501(c) \( (3 \) \( \) (inser	(no.) 4947(a)(1) or	527		Are all affiliates			N/A Yes No
		re if the organization's gross receipts are norm		4	1	(if "No." attach a	list.)		
KU	neck nei	ion need not file a return with the IRS; but if the organization	tion reached a Form 000 Dad	lana Lana	H(d)	Is this a separat	e returi red by :	i filed D	y an or- ruling? Yes X No
0	rganizati	ion need not the a return without financial data. Some state	IIIVII ICCCIVCU A FUI III 330 FAC Pae resuire e compiete refurt	nayo	<b>-</b>	Group Exemption			100 GA3 NV
	i ure ma	II, II SHOULD THE A LEGATI WILLIOUS INIGHICAL CALL. SOME SIA	rea tedante a combiero teram		1				tion is not required to attach
_		01 01 01 01 01 10 10 10 10 10 10 10 10 1	9,642,21	۵	M	Sch. B (Form 9			
	ross rec	elpts: Add lines 6b, 8b, 9b, and 10b to line 12	9,044,41	<del>フ・</del> Bala			70, 000	LL, 01	000 117-
P	rt I	Revenue, Expenses, and Changes in		Daio	IIICE.	3		—Т	
	1	Contributions, gifts, grants, and similar amounts receiv		١.	ı	0 060 0	20		
		Direct public support		<u>1a</u>	-	8,962,0	30.		
		Indirect public support			<del> </del>				
	C	Government contributions (grants)		10	<u> </u>				0.000.000
	d	Total (add lines 1a through 1c) (cash \$ 8,9	62,038 noncash \$				.)	1d	8,962,038.
	2	Program service revenue including government fees ar	d contracts (from Part VII, lin	e 93)				2	
	3	Membership dues and assessments					,	3	
	4	Interest on savings and temporary cash investments						4	307,476.
	5	Dividends and interest from securities						5	54,127.
	6.2	Gross rents							
	b	Less: rental expenses		8b					
		Net rental income or (loss) (subtract line 6b from line 6	a)					6c	
	7	Other investment income (describe						7	
Revenue		Gross amount from sales of assets other	(A) Securities			(B) Other			
ş	••	than inventory	318.303.	8a					
æ	ь	Less: cost or other basis and sales expenses	329,856.	8b					
		Gain or (loss) (attach schedule)	-11,553.	8c					
	C	Net gain or (loss) (combine line 8c, columns (A) and (I			·			8d	-11,553.
	_ "	Special events and activities (attach schedule). If any a	mount is from gaming check	here		<b>–––––––––––––––––––––––––––––––––––––</b>	•••••		
	9	Gross revenue (not including \$	of contributions	11010	_				
	B			9a	1				
	١.	reported on line 1a)			1			1	
	D	Less: direct expenses other than fundraising expenses			<u></u>			9c	
	C	Net income or (Liss) not, special events (subtract line		10a	1			<u>"</u>	
	10 a		***************************************	10a				1	
	b	Less: cost of goods sold						10c	
	C	Gross profit of Ressytrace sales of inventory (attach se	chequie) (subtract line 100 fro	ITTI IBRE	i iua)	• • • • • • • • • • • • • • • • • • • •	••••••	11	275.
	11	Other revenue (from Part VII Tine 03)		••••••			••••••	-	9,312,363.
	12	Total revenue (add lines 14, 2, 3, 4, 5, 6c, 7, 8079c, 1	Oc, and 11)					12	
40	13	Program services (moke in Raccolumn (8))		!	•••••			13	1,406,101.
Expenses	14	Management and general (from line 44, column (C))						14	113,496.
eg E	15	Fundraising (from line 44, column (D))						15	16,830.
页	16	Payments to affiliates (attach schedule)					******	16	4 - 2 - 2 - 2 - 2
	17	Total expenses (add lines 16 and 44, column (A))						17	1,536,427.
	18	Excess or (deficit) for the year (subtract line 17 from li						18	7,775,936.
Net	19	Net assets or fund balances at beginning of year (from						19	4,841,036.
žį	20	Other changes in net assets or fund balances (attach e		EE.	ST	ATEMENT	. 2	20	113,240.
•	21	Net assets or fund balances at end of year (combine lin	nes 18, 19, and 20)			·· ·· · · · · · · · · · · · · · · · ·		21	
423 01-	001 13-05	LHA For Privacy Act and Paperwork Reduction Act	Notice, see the separate ins	tructio	ns.			_	Form 990 (2004)

ANIMAL	WELFARE	INSTITUTE

13-5655952

						A Laborator Company (Control of Con-	
ENVIRONMENTAL	TOM RIDER		P.O. BO	ITAL ONE, X 85184, D, VA 29285	NONE	1,	208.
ENVIRONMENTAL.	ENVIRONMENTAL. CENTER FOR CART HORSES IN ARGENTINA		JULIAN 143, C. BUENOS		NONE	5,	000.
ENVIRONMENTAL	WILDLIFE ADVOCA	ACY	AVE NW,	NNECTICUT STE 700, TON, DC 20009	NONE	8,	000.
ENVIRONMENTAL	NIMAN RANCH			ST 12TH ST, , CA 94606	NONE	2,	500.
ENVIRONMENTAL	WASHINGTON STATUNIVERSITY	TE	PO BOX PULLMAN 99164-1	, WA	NONE	6,	000.
ENVIRONMENTAL SUSAN SHERPA				B CAMERON,	NONE		
			30 RENA DUNDAS,	TA CT, ONTARIO, CAN	iada lghuxa	4,	000.
ENVIRONMENTAL	WHALEMAN FOUNDATION			ST #410, ONICA, CA	NONE	1,	.000.
ENVIRONMENTAL	SD PEACE AND JUSTICE CENTER		PO BOX WATERTO 57201		NONE		500.
ENVIRONMENTAL	ECO/EARTH ISLAN	ND		ADWAY, STE FRANCISCO, 33	NONE		500.
TOTAL INCLUDED	ON FORM 990, PA	RT I	I, LINE	22		76	,842.
FORM 990	NON-G	OVER	NMENT SE	CURITIES		STATEMEN'	r 6
SECURITY DESCRI	PTION COST/FMV		PORATE OCKS	CORPORATE BONDS	OTHER PUBLICLY TRADED SECURITIES	TOTA NON-G SECURI	OV'T
WINN DIXIE GENERAL ELECTRI WACHOVIA CORP JOHNSON & JOHNS TXU CORP EI DUPONT DE NE	FMV FMV FMV	2	218. 4,712. 89,131. 14,950. 01,909. 23,010.		·	89 14 201	218. ,712. ,131. ,950. ,909. ,010.