

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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

Plaintiffs,

v.

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

Defendants.

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Case No. 03-2006 (EGS/JMF)

**RESPONSE IN OPPOSITION TO RIDER’S MOTION FOR A PROTECTIVE ORDER
WITH RESPECT TO CERTAIN FINANCIAL INFORMATION**

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION)	
OF CRUELTY TO ANIMALS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	
RINGLING BROTHERS AND BARNUM & BAILEY)	
CIRCUS, <i>et al.</i> ,)	
)	
Defendants.)	

Civ. No. 03-02006
(EGS)

**OBJECTIONS AND RESPONSES TO DEFENDANTS’
FIRST SET OF INTERROGATORIES TO PLAINTIFF TOM RIDER**

Pursuant to Federal Rule of Civil Procedure 33 and the agreement of the parties, plaintiff Tom Rider hereby offers the following objections and responses to Defendants’ First Set of Interrogatories to him.

DEFINITIONS

1. As used herein, “irrelevant” means not relevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. Mr. Rider’s general objections, as set forth herein, are to be considered continuing objections and responses to the specific Interrogatories that follow, even if not referred to in the objection and response to a specific Interrogatory. Mr. Rider’s objections and responses given herein shall not be construed to waive or preclude any objections he may later assert.

2. Mr. Rider objects to each Definition and Instruction and each Interrogatory to the extent that it is vague, ambiguous, overly broad, unduly burdensome, or seek irrelevant information.

3. Mr. Rider objects to each Definition and Instruction and each Interrogatory to the extent that it seeks to impose obligations on him beyond the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

4. Mr. Rider objects to each Definition and Instruction and each Interrogatory to the extent that it seeks information protected against disclosure by the attorney-client privilege, the work-product doctrine, or any other privilege, immunity, doctrine, or rule of confidentiality. Mr. Rider further objects to each Definition and Instruction, and each Interrogatory, to the extent it seeks disclosure of information that would violate the privacy or other rights of individuals or himself.

5. In responding to these Interrogatories, Mr. Rider does not waive the foregoing objections or the specific objections that are set forth in the responses to particular requests. In addition, Mr. Rider does not concede by responding that the information sought or produced is relevant to the subject matter of this action or is calculated to lead to the discovery of admissible evidence. Mr. Rider expressly reserves the right to object to further discovery into the subject matter of these Interrogatories and the right to object to the introduction into evidence of any of the information provided in response to the Interrogatories.

6. Although Mr. Rider has exercised due diligence in responding to the Interrogatories, without waiving the foregoing objections or the specific objections set forth in the responses to particular requests, Mr. Rider reserves the right to amend or supplement his

responses and objections to the Interrogatories if additional or different responsive information is discovered during discovery or otherwise hereafter.

7. Although Mr. Rider has exercised due diligence in responding to the Interrogatories, and has answered them to the best of his recollection, without waiving the foregoing objections or the specific objections set forth in the responses to particular interrogatories, there may be instances in which Mr. Rider used an incorrect name or other identifying information with respect to particular individuals or animals involved in a particular incident that did occur, or he used an incorrect date to describe a particular incident that did occur.

SPECIFIC OBJECTIONS TO DEFINITIONS

1. Mr. Rider objects to the definition of “describe” to the extent it seeks to impose discovery obligations exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information.

2. Mr. Rider objects to the definition of “identify” to the extent it seeks to impose discovery obligations on him exceeding those required by the applicable rules of civil procedure, and on the grounds that it is overly broad, unduly burdensome, oppressive, vexatious, and seeks irrelevant information. In particular, where a business address is available for an individual identified, Mr. Rider objects to the instruction to provide a home address on the grounds that it invades personal privacy rights and seeks overly broad and irrelevant information.

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

Interrogatory No. 4:

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

Objections and Response to Interrogatory No. 4:

Mr. Rider objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and oppressive, because Mr. Rider has had hundreds of communications that fall within the scope of this Interrogatory, and he cannot possibly describe each such conservation.

Mr. Rider further objects to this Interrogatory on the grounds that it seeks privileged information that is protected by the attorney-client privilege, with respect to conversations he has had with the co-plaintiffs, that one or more of his attorneys participated in, and with respect to conversations he has had with Lisa Weisberg who is an attorney with the ASPCA, one of the organizational plaintiffs in this action. Mr. Rider further objects to this Interrogatory on the ground that it seeks privileged information that is protected by his right of association, because it would require him to identify every animal advocate or animal advocacy group with which he has ever communicated. Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider answers this Interrogatory as follows:

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

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

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

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

the end of March, 2000 and talked to Pat Derby and Ed Stewart about what I had seen at Ringling. I stayed in California, about a year, until February, 2001, helping PAWS with their elephant campaign. From February, 2001 to the present, I have spoken with people who worked for the ASPCA, Fund for Animals, the Animal Welfare Institute, In Defense of Animals, Last Chance for Animals, People for the Ethical Treatment of Animals, the Elephant Alliance, the Elephant Sanctuary, and some other groups I can't recall right now. In addition, during the same period of time, I had many conversations with individuals with grassroots groups all over the United States, including, for example, Citizens for a Cruelty Free Circus in California, Compassion In Entertainment in Connecticut, the Lehigh Valley Animal Rights Coalition in Pennsylvania, and other groups that I do not know or recall the names of, and I always tell them about my experiences with the circus. There are a lot a lot of individual animal rights advocates all over the US that I have run into. They know me because I'm speaking out for the elephants. Some more specific information in response to this Interrogatory is contained in the documents that I am producing in response to the Document Production Request that I and the other plaintiffs received. In addition, for more details about the general substance of these communications please refer to my answers to Interrogatories Nos. 9, 10, 11, 12, 13, and 14 below.

Interrogatory No. 5:

Describe every communication you have had regarding defendants with any members of the press or at any lectures, conferences, or seminars.

Objections and Response to Interrogatory No. 5:

Mr. Rider objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and oppressive because Mr. Rider has had numerous communications regarding

for this information, which I hereby incorporate by reference.

Interrogatory No. 23:

Describe each occasion since you left defendants' employ in which you have sought employment or volunteered your services to work with animals, and whether you secured the position you sought. If you did not secure the position and were given a reason for your rejection, provide that reason.

Response to Interrogatory No. 23:

None.

Interrogatory No. 24:

Identify all income, funds, compensation, other money or items, including, without limitation, food, clothing, shelter, or transportation, you have ever received from any animal advocate or animal advocacy organization. If the money or items were given to you as compensation for services rendered, describe the service rendered and the amount of compensation.

Objection and Response to Interrogatory No. 24:

Mr. Rider objects to this interrogatory on the grounds that it seeks information that is irrelevant, oppressive, and vexatious. Mr. Rider further objects to this Interrogatory on the ground that it seeks privileged information that is protected by his right to privacy and would infringe on his freedom of association. Subject to and without waiving the foregoing or general objections to these Interrogatories, and subject to a confidentiality agreement, Mr. Rider would be willing to provide defendants with the answer to the first sentence of this Interrogatory.

Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider provides the following answer to the second sentence of this interrogatory: I have not received any such compensation.

Interrogatory No. 25:

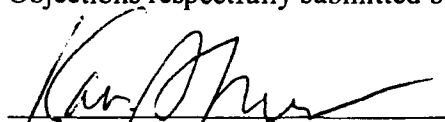
Describe the subject and substance of the testimony that would be given by each person

identified in the initial disclosures.

Objection and Response to Interrogatory No. 25:

Mr. Rider objects to this Interrogatory on the ground that the plaintiffs have already provided this information with their initial disclosures, and to provide further details at this point would reveal the work product of his attorneys. Subject to and without waiving the foregoing or general objections to these Interrogatories, Mr. Rider states that the subject and substance of the testimony that he will be giving is provided in the answers to the above Interrogatories.

Objections respectfully submitted by:



Katherine A. Meyer
(D.C. Bar No. 244301)
Eric R. Glitzenstein
(D.C. Bar No. 358287)
Kimberly D. Ockene
(D.C. Bar No. 461191)

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Date: June 9, 2004

VERIFICATION

CITY OF *San Marcos*)
COUNTY OF *San Diego*)
STATE OF CALIFORNIA)

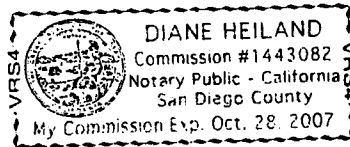
TOM RIDER, being duly sworn, says:

I am a plaintiff in this case. I have read the foregoing objections and responses to Defendants' First Set of Interrogatories to Plaintiff Tom Rider and know the contents thereof; and, upon information and belief, said Objections and Responses are true and correct.

[Handwritten Signature]
TOM RIDER

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

[Handwritten Signature]
Notary Public



My Commission Expires:

10-28-2007