

PLAINTIFFS' EXHIBIT 4

To Plaintiffs' Opposition To Defendants'
Motion To Compel Discovery From The
Organizational Plaintiffs and API
Civ. No. 03-2006 (EGS/JMF)

Washington, DC

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.

Certified Copy

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<p>1 longer own any of its elephants? 2 A. Not necessarily. 3 Q. Are you asking that the elephants no 4 longer perform in the circus? 5 A. Yes. 6 Q. Is the ASPCA receiving any funding for 7 this lawsuit from groups that are not parties to this 8 case? 9 A. Not specifically. 10 Q. How much money does the ASPCA spend each 11 year gathering information about Ringling Bros.? 12 A. Well, currently, none. 13 Q. In the past, have you? 14 A. Yes. 15 Q. And in what years? 16 A. 19 -- sorry, 2002 and 2003. 17 Q. Let's start with 2002. How much money did 18 you spend that year gathering information about 19 Ringling Bros. approximately? 20 A. Approximately \$18,000. 21 Q. And what was that money spent on? 22 A. It was spent on Tom Rider's speaking with 23 the media across the country and gathering additional 24 information about the treatment of the elephants by 25 Ringling Bros.</p>	<p>1 Q. Moving along to 2003, how much money 2 approximately did the ASPCA spend that year gathering 3 information about Ringling Bros.? 4 A. \$22,000. 5 Q. And what was that money spent on? 6 A. Again, it was to support Tom Rider in his 7 public outreach efforts and in speaking with the 8 media about the various violations engaged in by 9 Ringling Bros. 10 Q. And in addition to providing Tom Rider 11 with financial support, did the ASPCA spend any other 12 time or money gathering information about Ringling 13 Bros. during 2003? 14 A. There may have been some further attempts 15 to obtain documents from the USDA on Ringling 16 Bros. -- I'm sorry, USDA inspectors citing Ringling 17 Bros. for violating the Animal Welfare Act. 18 Q. And in 2003, you didn't pay anybody else 19 to gather information about Ringling Bros.? 20 A. No. 21 MS. DALTON: I would like to mark Exhibit 22 Number 4. 23 (ASPCA Exhibit No. 4 was 24 marked for identification.) 25 BY MS. DALTON:</p>
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<p>1 Q. When you say gathering additional 2 information about the treatment of elephants by 3 Ringling Bros., what do you mean? 4 A. Well, he would try to see the elephants, 5 he would note their despondent state, their 6 performance of unnatural acts and basically do public 7 education, testify at hearings in support of 8 legislation to ban exotic animals in traveling acts. 9 Q. So besides -- I'm sorry, excluding Tom 10 Rider's efforts to gather additional information 11 about the treatment of elephants by Ringling Bros., 12 did the ASPCA spend any money or any -- let's start 13 with any time trying to gather information about the 14 treatment of elephants by Ringling Bros.? 15 A. Yes. We made various Freedom of 16 Information requests to USDA for documents that we 17 believed we were entitled to, filed by USDA 18 inspectors citing Ringling Bros.' violation of the 19 Animal Welfare Act. 20 Q. Do you pay any people to gather 21 information regarding Ringling Bros.? 22 A. No. 23 Q. Has it ever paid anybody at Ringling Bros. 24 for information about the circus? 25 A. No.</p>	<p>1 Q. And this is a request for a check dated 2 December 24, 2002. 3 A. Okay. 4 Q. Correct? 5 A. Yes. 6 Q. And this was included as part of the 7 ASPCA's production to Ringling Bros., correct? 8 A. I'm sorry, can you repeat that? 9 Q. This document was included as part of 10 ASPCA's production to defendants, correct? 11 A. Correct. 12 Q. And the two expenditures listed on the 13 check request are Ringling Bros. appeal and USDA 14 enforcement report, correct? 15 A. Correct. 16 Q. And then the next page, which was Bates 17 numbered by the ASPCA as A-00897, appears to be an 18 invoice from Meyer Glitzenstein for the same -- it 19 appears as though the check request corresponds with 20 that invoice. 21 A. Yes. 22 Q. What is the enforcement report that is 23 referred to in this invoice? 24 A. That is a compilation of the various 25 documents that we subsequently received from USDA</p>

10 (Pages 34 to 37)

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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 permanent
 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

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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 defendants' actions and treatment of elephants?
2 A. Of the 10 percent, I would say
3 approximately 5 percent.
4 Q. So about 5 percent of your total time
5 spent on your job is related to those efforts?
6 A. Correct.
7 Q. What do you do to gather this information?
8 A. Certainly the lawsuit against USDA for not
9 turning the documents over pursuant to the Freedom of
10 Information Act, working with Tom Rider on his media
11 visits and other media interests, and speaking with
12 other groups if they had any further information.
13 Q. Did you talk to any former Ringling Bros.
14 employees when gathering this information?
15 A. Not other than Tom Rider.
16 Q. Did you talk to any current Ringling Bros.
17 employees?
18 A. No.
19 Q. What other groups do you gather
20 information from?
21 A. I would say other than the other
22 co-plaintiffs, probably none others.
23 Q. Who calculated the dollar figures included
24 in this response?
25 A. I did.

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1 Q. Is the \$7,568 that you accounted for
2 regarding your FOIA litigation, is that the actual
3 monetary expenditures such as attorneys' fees and
4 photocopying and so on and so forth?
5 A. Yes.
6 Q. Does it include salary or any other
7 in-kind expenditures?
8 A. Not that I'm aware of.
9 Q. When did the ASPCA decide to file the FOIA
10 lawsuit?
11 A. Are you talking about a specific date?
12 Q. Generally.
13 A. I believe it was -- it must have been
14 sometime in the latter part of 2001.
15 Q. And that was after you had filed the first
16 lawsuit against Ringling Bros., correct?
17 A. Correct.
18 Q. Do you know whose idea it was to file the
19 lawsuit against USDA?
20 A. It was discussed amongst the plaintiffs
21 and with Kathy Meyer.
22 Q. You have co-counsel in the FOIA case,
23 correct, in the case against USDA?
24 A. I don't know.
25 Q. You don't know if you have co-counsel in

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1 the case against USDA?
2 A. Correct.
3 MS. OCKENE: Co-counsel?
4 BY MS. DALTON:
5 Q. I'm sorry, not co-counsel. Co-plaintiffs.
6 A. Oh, yes.
7 Q. And they're also the plaintiffs in this
8 case?
9 A. Correct.
10 Q. And the case against USDA is seeking
11 documents on the same subject matter as the
12 allegations in this case against Ringling Bros.,
13 correct?
14 A. Correct.
15 Q. Have you filed any other FOIA requests
16 about defendants' treatment of elephants besides the
17 ones that gave rise to this lawsuit?
18 A. Not that I'm aware of.
19 Q. If we could stay with Exhibit 3, but back
20 up to interrogatory number 21, which begins on page
21 29. And this interrogatory asks the ASPCA to
22 "identify each resource expended from 1997 to the
23 present in advocating better treatment for animals
24 held in captivity," correct?
25 A. Correct.

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1 Q. And in 1997, the ASPCA calculated that 10
2 percent of its salaries, benefits and support
3 expenses for the government affairs offices were
4 expended for this purpose, correct?
5 A. Correct.
6 Q. How did you calculate that amount?
7 A. Again, it was an approximation.
8 Q. Based on what?
9 A. Based on what percentage of our time is
10 spent on administrative, educational matters, what
11 percentage is spent on companion animal issues or
12 other issues pertaining to animals.
13 Q. What percentage of the time spent more
14 generally advocating better treatment for animals
15 held in captivity was devoted to the issue of
16 elephants in circuses?
17 A. I'm sorry, can you repeat that?
18 Q. Interrogatory number 21 asked you more
19 generally about expenses relating to advocating
20 better treatment for animals held in captivity, so
21 that's broader than just elephants.
22 A. Right. Sure.
23 Q. So of that 10 percent that you calculated,
24 what portion of the 10 percent would you say was
25 devoted to the issue of elephants in circuses?

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1 A. I would say no more than half of that.
 2 Q. So approximately 5 percent?
 3 A. Correct.
 4 Q. Who in the D.C. office was included in
 5 this calculus?
 6 A. Marianne Radziewitz. I don't know her
 7 exact title. I think it was assistant director. As
 8 well as our administrative assistant at the time.
 9 And we also had a media person in that office for a
 10 short while.
 11 Q. Who was the media person in that office?
 12 A. I think -- her first name is Robin. I
 13 don't recall her last name.
 14 Q. And what's Marianne Radziewitz's
 15 responsibilities?
 16 A. She assisted with -- as backup for Nancy
 17 Blaney if Nancy was not available.
 18 Q. Was Nancy Blaney's time and salary
 19 accounted for in this as well?
 20 A. Yes.
 21 Q. And Marianne reported to Nancy?
 22 A. Correct.
 23 Q. And what sorts of activities was Robin
 24 responsible for?
 25 A. Robin worked with Tom when he was on the

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1 road. If he had an interview scheduled with a
 2 reporter, she would fax to them a press release and
 3 various documents ahead of time.
 4 Q. You said that Robin worked with Tom when
 5 he was on the road. Robin wasn't on the road with
 6 Tom, correct?
 7 A. No.
 8 Q. And the government affairs office in New
 9 York -- I'm sorry. In New York, that includes your
 10 salary and benefits?
 11 A. Correct.
 12 Q. And does it include anybody else's?
 13 A. There was some accounting for the work of
 14 the administrative assistant.
 15 Q. Next you calculated expenses related to
 16 your publication, Animal Watch, correct?
 17 A. Correct.
 18 Q. And how did you calculate that expenses
 19 were approximately \$3,000 per page?
 20 A. That was obtained from the communications
 21 department.
 22 Q. And you list a total amount of \$4,500,
 23 correct?
 24 A. That's correct.
 25 Q. How often is Animal Watch sent out?

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1 A. It was sent out quarterly.
 2 Q. At this time, it was sent out quarterly?
 3 A. I believe so.
 4 Q. Is it still sent out?
 5 A. We no longer produce that publication.
 6 Q. For what years was the publication
 7 produced?
 8 A. Oh, gosh. For every year up until about a
 9 year and a half ago.
 10 Q. And how often was it sent out? Did you
 11 say quarterly?
 12 A. Quarterly.
 13 Q. Approximately how many pages are in each
 14 issue?
 15 A. It varied but I believe at the end, it was
 16 around 60 pages.
 17 Q. So of the 60 pages sent out quarterly or
 18 so, you calculated that about one and a half pages
 19 during the year 1997 was devoted to, quote,
 20 advocating better treatment of animals held in
 21 captivity?
 22 A. Correct.
 23 MS. DALTON: I would like to mark Exhibit
 24 10.
 25 (ASPCA Exhibit No. 10 was

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1 marked for identification.)
 2 BY MS. DALTON:
 3 Q. Exhibit 10 is a Lobbying Expenditure by
 4 Electing Public Charities form that was part of your
 5 tax return, correct?
 6 A. Correct.
 7 Q. And it includes various expenditures for
 8 the years 1999, 2000, 2001 and 2002?
 9 A. Correct.
 10 Q. Were there also similar expenditures in
 11 1997?
 12 A. Yes.
 13 Q. And those are found on, I believe, the
 14 third, fourth and fifth pages of this report?
 15 A. Yes.
 16 Q. And approximately what portion of those
 17 lobbying expenditures would you say were used
 18 advocating better treatment for animals held in
 19 captivity?
 20 A. I believe it was generally about 10
 21 percent.
 22 Q. In 1998, you list similar amounts for your
 23 salary, benefits and support expenditures for your
 24 government affairs offices in New York and your D.C.
 25 offices, correct?

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1 A. Are we referring back to --
 2 Q. I'm sorry, we're referring back to the
 3 interrogatories. I'm sorry, I stopped with '97.
 4 I've now moved on to '98.
 5 A. And the question again was?
 6 Q. You said that again you calculated that 10
 7 percent of its salaries?
 8 A. Correct.
 9 Q. And did you use the same method for
 10 calculating this amount as you did for the 1997
 11 expense?
 12 A. Yes.
 13 Q. Were there any individuals accounted for
 14 in the salary, benefits and support expenses?
 15 A. No, I don't believe so.
 16 Q. Would you say that about the same 5
 17 percent of your time was spent devoted to the issue
 18 of elephants in circuses during 1998?
 19 A. Yes.
 20 Q. And the same people, as you said, were in
 21 the D.C. and New York offices?
 22 A. Yes.
 23 Q. When you list supporting expenses, which
 24 is the next line item under 1998, you list \$28,000?
 25 A. Right.

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1 Q. What in particular -- what generally are
 2 these expenditures?
 3 A. I believe they were for disseminating our
 4 legislative alerts to our -- what we called our
 5 legislative action team at the time regarding
 6 specific pieces of legislation that were pending in
 7 various states, asking them to contact their
 8 representatives to support it.
 9 Q. And your California circus ad was a
 10 thousand dollars, correct?
 11 A. Correct.
 12 Q. And what in particular was that expense?
 13 A. That was to help pay for the cost of
 14 production and publication of the ad in a California
 15 newspaper.
 16 Q. Was Tom Rider involved in that campaign?
 17 A. Not that I'm aware of.
 18 Q. The next line item is a humane law
 19 enforcement investigation. You list two from August
 20 of 1998 for a total of \$500?
 21 A. Correct.
 22 Q. Were either of those related to elephants
 23 in the circus?
 24 A. Yes. I believe they had to do with
 25 Ringling Bros. coming to Madison Square Garden. It

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1 might have involved other circuses that came to town.
 2 Q. Did we receive documents regarding that
 3 investigation?
 4 A. Yes.
 5 Q. And then again, you calculate Animal Watch
 6 articles?
 7 A. Correct.
 8 Q. So again, this was a quarterly
 9 publication?
 10 A. I believe so, in 1998. I know at one
 11 point, we were just doing it two or three times a
 12 year and then we went to quarterly. I don't recall
 13 if that happened in '98 or not.
 14 Q. So it was somewhere between two to four
 15 issues a year?
 16 A. Correct.
 17 Q. And each issue was about 60 pages?
 18 A. Back then, it was probably a little bit
 19 less.
 20 Q. So you calculated that approximately one
 21 and a half pages during 1998 involved the issue of
 22 advocating better treatment for animals held in
 23 captivity?
 24 A. Correct.
 25 MS. DALTON: It looks like we're running

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1 out of time on the videotape, so this might be a good
 2 time to take a break.
 3 THE VIDEOGRAPHER: This concludes tape
 4 in the deposition of Lisa Weisberg. Going off the
 5 record. The time is 11:03:30.
 6 (Recess.)
 7 THE VIDEOGRAPHER: This begins tape 2 in
 8 the deposition of Lisa Weisberg. We're back on the
 9 record. The time is 11:14:43.
 10 BY MS. DALTON:
 11 Q. I would like to continue with Exhibit 3
 12 and response to interrogatory number 21 with the
 13 expenses you listed for 1999.
 14 A. Okay.
 15 Q. And again, similar to other years, you --
 16 actually, I want to go back to 1998 one more time.
 17 With regards to the last marked exhibit, which I
 18 think was Exhibit 10, which is your lobbying
 19 disclosure tax form.
 20 A. Yes.
 21 Q. You list expenses for 1998 as well,
 22 correct?
 23 A. Yes.
 24 Q. And what percentage of those expenses
 25 would you estimate were used as part of your efforts

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1 to advocate better treatment for animals held in
2 captivity?
3 A. Basically 10 percent.
4 Q. Continuing on to 1999, looking at that
5 same form.
6 A. Okay.
7 Q. Would you say probably about 10 percent
8 again?
9 A. Yes.
10 Q. Now returning to Exhibit 3. Sorry to have
11 you jumping around a little bit.
12 A. Okay.
13 Q. You listed 10 percent of the salary and
14 benefits this time for your New York and District of
15 Columbia staff.
16 A. Okay.
17 Q. Correct?
18 A. I'm sorry, are we talking about 1999 or
19 2000?
20 BY MS. DALTON:
21 Q. I'm sorry, we're talking -- oh, we're
22 talking about 2000 now.
23 A. Yes, and our Midwest staff.
24 Q. And Midwest staff. Are generally the same
25 people involved in your New York and D.C. staff as in

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1 1997, 1998 and 1999?
2 A. Yes.
3 Q. And where is your Midwest staff located?
4 A. In Illinois.
5 Q. And where precisely?
6 A. Collinsville.
7 Q. And who from your Midwest staff salary and
8 benefits were included in this calculation?
9 A. Ledy VanKavage.
10 Q. And what is Ms. VanKavage's role in that
11 office?
12 A. She is our Midwest regional
13 representative.
14 Q. And what are her responsibilities?
15 A. She lobbies on legislation in the Midwest.
16 Q. So that 5 percent of her time was spent
17 advocating for better treatment for animals in
18 captivity?
19 A. Correct.
20 Q. And the 10 percent of supporting expenses,
21 again, are those your legislative alerts that were
22 sent out?
23 A. Correct.
24 Q. And, again, your Animal Watch articles,
25 approximately one and a half pages that year were

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1 devoted to these issues?
2 A. Correct.
3 Q. And moving on to 2000 -- well, finishing
4 with 2000, again, would you calculate roughly 10
5 percent of the expenses documented in Exhibit 10 were
6 used for this purpose?
7 A. Yes.
8 Q. Now moving on to 2001, you again say 10
9 percent of your salary and benefits from New York and
10 D.C. and then 5 percent of your Midwest staff.
11 A. Correct.
12 Q. Is that the same calculation as in 2000?
13 A. Yes.
14 Q. And your supporting expenses were again
15 your legislative alerts?
16 A. Correct.
17 Q. On the top of page 31, your second entry
18 is payment to Meyer & Glitzenstein regarding Ringling
19 lawsuit.
20 A. Correct.
21 Q. Included in those, were there any payments
22 to Mr. Rider?
23 A. I believe that was just for the lawsuit.
24 Q. Was any of the money spent as part of this
25 payment going to the Wildlife Advocacy Project?

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1 A. I do not believe so.
2 Q. Did you provide us with check requests for
3 those payments?
4 A. Yes.
5 Q. Under the humane law enforcement
6 investigations, it looks like it's from April 2nd of
7 2001.
8 A. Correct.
9 Q. What precisely did this investigation
10 entail?
11 A. I believe it was an inspection of the
12 Ringling Bros. animals when they came to Madison
13 Square Garden.
14 Q. And the next entry is 15 percent of staff
15 time for media relations.
16 A. Yes.
17 Q. Who in particular was involved in these
18 media relations efforts from the ASPCA?
19 A. It would have been our in-house media
20 department, Patricia Jones in particular.
21 Q. Anybody else?
22 A. I don't recall who her staff was at the
23 time.
24 Q. And what in particular did the media
25 relations staff do with regards to this \$45,000?

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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.

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1 MS. OCKENE: There is a mutual
 2 understanding in this case. There is no written
 3 agreement.
 4 BY MS. DALTON:
 5 Q. So generally speaking, what are your legal
 6 duties? Sorry. Generally speaking, on your
 7 day-to-day basis at the ASPCA, what part of those
 8 duties involve providing legal advice?
 9 A. Well, both with what the existing laws are
 10 to protect animals, where legislation is needed,
 11 certainly my review of the complaint in this case and
 12 my recommendation that we become a co-plaintiff.
 13 Again, specifically to New York law and
 14 whether a specific situation that our humane law
 15 enforcement officers may be investigating, and
 16 whether the incidents surrounding that or the
 17 circumstances surrounding that incident violate the
 18 anticruelty statute.
 19 Q. And your work in providing that advice is
 20 separate to the ASPCA's legal department, is that
 21 correct?
 22 A. Yes.
 23 Q. Who from the ASPCA is planning on
 24 attending the July 21st fund-raiser that we've
 25 discussed?

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1 A. As far as I know, I don't believe any
 2 employee of the ASPCA. I don't know if any ASPCA
 3 members are planning on attending.
 4 Q. You referred to the vice president of
 5 development?
 6 A. Correct.
 7 Q. And I'm sorry, I can't recall his name.
 8 A. It's a woman, Jo Sullivan.
 9 Q. So she's not planning on attending?
 10 A. I don't know. I don't believe so. I
 11 believe that there was some discussion about her and
 12 Ed Sayres attending, but something came up that
 13 requires I know Mr. Sayres to be in New York and
 14 unable to attend. But I can't speak to Jo Sullivan.
 15 Q. And your discussions with Jo Sullivan
 16 regarding the invitation and the content of the
 17 discussion at the fund-raising event did not include
 18 who this additional former Ringling Bros. --
 19 A. No, it was more just organizing the event
 20 and getting the invites out to our high donors.
 21 Q. Now, I'm going to apologize in advance
 22 because I'm going to ask you to just recap with me --
 23 and I know we've covered it in various parts of the
 24 deposition, but I just want to make sure I understand
 25 and have a full picture of it -- the various funds

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1 and the years that you provided funding to Tom Rider
 2 and whether or not you provided that funding directly
 3 or whether or not you've provided it through the
 4 Wildlife Advocacy Project or at Meyer & Glitzenstein.
 5 So I just kind of want to recap really briefly.
 6 A. Okay.
 7 Q. So if I remember correctly, you said that
 8 the first year that any of this funding was provided
 9 was in 2001, correct?
 10 A. Correct.
 11 Q. So prior to 2001, the ASPCA did not
 12 provide any funding to Mr. Rider?
 13 A. Correct.
 14 Q. And in 2001, the funding was provided
 15 through Meyer & Glitzenstein in the amount of
 16 approximately \$7,400?
 17 A. Correct.
 18 Q. And was there any other direct funding
 19 that year?
 20 A. As far as I remember, no.
 21 Q. And then in 2002, you said that you didn't
 22 fund anything through the Wildlife Advocacy Project
 23 but there were other payments to Mr. Rider that were
 24 included in your regular payments to your attorneys,
 25 Meyer & Glitzenstein?

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1 A. Correct.
 2 Q. And then in 2003, you said that those
 3 payments continued from January 3rd through May --
 4 I'm sorry, January '03 to May '03, and those were
 5 direct payments or indirect payments in 2003?
 6 MS. OCKENE: I'm just going to object to
 7 the use of the term payments. It's a
 8 mischaracterization. You can answer.
 9 THE WITNESS: Both. There were instances
 10 where I would pay for his lodging on my corporate
 11 credit card as well as reimbursing Tom Rider for the
 12 expenses, living expenses he incurred or was going to
 13 incur as advances.
 14 BY MS. DALTON:
 15 Q. So in 2003, it both would be indirect and
 16 direct payments?
 17 A. Correct.
 18 Q. And then in 2002, you also had both
 19 indirect and direct?
 20 A. I believe they were indirect.
 21 Q. All the ones in 2003?
 22 A. No.
 23 Q. I'm sorry, 2002?
 24 A. Right.
 25 Q. So I'm just going to summarize one last

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1 time to make sure we have it.
 2 A. Okay.
 3 Q. So 2001, you have payments that go to the
 4 ASPCA -- to your attorneys Meyer & Glitzenstein and
 5 then they provide funding through the Wildlife
 6 Advocacy Project?
 7 A. Right.
 8 Q. And there were no other reimbursements or
 9 any sorts of payments that you provided?
 10 A. As far as I remember.
 11 Q. And in 2002, there were indirect payments
 12 that went to Meyer & Glitzenstein but, to the best of
 13 your knowledge, the Wildlife Advocacy Project was not
 14 involved?
 15 A. Correct.
 16 Q. And there were no other direct
 17 reimbursements?
 18 A. Not that I remember.
 19 Q. And in 2003, there were both indirect
 20 payments through Meyer & Glitzenstein and other --
 21 A. No, not through Meyer & Glitzenstein.
 22 Q. So in 2003, there was just --
 23 A. It was either direct reimbursement to Tom
 24 Rider or I would put the charges on my corporate
 25 credit card. But having nothing to do with Meyer &

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1 Glitzenstein.
 2 Q. Since 2003, there have been no additional
 3 funds?
 4 A. Correct.
 5 Q. And since 2003, has Mr. Rider asked you
 6 for any money?
 7 A. No.
 8 Q. And when we were discussing captive
 9 breeding, you had mentioned that captive breeding
 10 efforts at zoos were helpful because they aided in
 11 the diversity of the gene pool, correct?
 12 A. Correct.
 13 Q. And is it your position that breeding at
 14 CEC does not add to the diversity of the gene pool of
 15 Asian elephants?
 16 A. I don't recall saying that.
 17 Q. I know you didn't. That's why I'm asking
 18 you.
 19 A. I don't know because I don't know how they
 20 run their breeding program.
 21 MS. DALTON: That's all I have.
 22 MS. OCKENE: I have some redirect. It's
 23 going to take me a second to get organized.
 24 MS. DALTON: Can we go off the record?
 25 THE VIDEOGRAPHER: Going off the record.

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1 The time is 16:01:28.
 2 (Recess.)
 3 THE VIDEOGRAPHER: We're back on the
 4 record. The time is 16:04:47.
 5 EXAMINATION BY COUNSEL FOR PLAINTIFFS
 6 BY MS. OCKENE:
 7 Q. I just have a few questions.
 8 A. Okay.
 9 Q. First, taking a look at Exhibit 3, it's
 10 the interrogatory responses.
 11 A. Okay.
 12 Q. And this is under interrogatory number 22
 13 and this is in reference to --
 14 A. What page is that?
 15 Q. 33. The grant for \$7,400 that you
 16 referred to earlier.
 17 A. Right.
 18 Q. And a moment ago.
 19 MS. DALTON: I'm sorry, you said on page
 20 33?
 21 MS. OCKENE: Yes, the grant to the
 22 Wildlife Advocacy Project that we've discussed
 23 several times.
 24 BY MS. OCKENE:
 25 Q. You indicated that you thought that money

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1 went through Meyer & Glitzenstein. Is that something
 2 you're certain of or could that money have also just
 3 gone to the Wildlife Advocacy Project?
 4 MS. DALTON: Object.
 5 THE WITNESS: I believe that it went
 6 directly to the Wildlife Advocacy Project.
 7 BY MS. OCKENE:
 8 Q. And turning to -- actually, I have another
 9 question on that. And you earlier stated that the
 10 funds that were provided to the Wildlife Advocacy
 11 Project were used to support Tom Rider's travel
 12 expenses, his media outreach efforts, his public
 13 education efforts?
 14 A. Correct.
 15 Q. Are you aware whether the money that went
 16 to the Wildlife Advocacy Project might have been used
 17 for other things other than simply for Tom Rider's
 18 efforts?
 19 A. I assumed it was for Tom Rider's efforts.
 20 Q. Do you know if it could also have been
 21 used to support Ms. Darcy Kemnitz' position, for
 22 example?
 23 A. It may have been. It may have gone
 24 towards whatever salary she got working on behalf of
 25 the Project.