

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

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

**Plaintiffs,**

**v.**

**FELD ENTERTAINMENT, INC.,**

**Defendant.**

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**FILED UNDER SEAL**

**Case No. 03-2006 (EGS/JMF)**

**REPLY IN SUPPORT OF MOTION TO COMPEL THE DEPOSITION TESTIMONY  
OF TOM EUGENE RIDER, THE ANIMAL PROTECTION INSTITUTE AND THE  
WILDLIFE ADVOCACY PROJECT AND FOR COSTS AND FEES**

**EXHIBIT 13**

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.

Lisa Weisberg

Washington, DC

July 19, 2005

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<p>1 since 1996?</p> <p>2 A. PETA was opposed to some of the</p> <p>3 legislation we were working on and so they would</p> <p>4 contact us expressing their disapproval.</p> <p>5 Q. Have you collaborated on any projects</p> <p>6 since 1996?</p> <p>7 A. No.</p> <p>8 Q. So other than PETA contacting you to</p> <p>9 oppose certain legislation you were working on,</p> <p>10 you've had no contact -- when I say you, I mean the</p> <p>11 ASPCA entity has not had any contact?</p> <p>12 A. Let me amend that. They contacted us, I</p> <p>13 believe it was sometime last year, to write a letter</p> <p>14 to the Manhattan district attorney to pursue and</p> <p>15 prosecute some researchers at Columbia University in</p> <p>16 their lack of humane care and a violation of the</p> <p>17 state cruelty law with their use of baboons in some</p> <p>18 research project.</p> <p>19 Q. And what was the ASPCA's response?</p> <p>20 A. We reviewed their complaint and we decided</p> <p>21 to issue a letter to the Manhattan DA urging him to</p> <p>22 look into the matter. And we felt that based on the</p> <p>23 information we were given, that there were reasonable</p> <p>24 grounds that they violated the state anticruelty</p> <p>25 statute.</p>	<p>1 incident, I've heard about it, but I'm not that</p> <p>2 familiar with the charges or what happened.</p> <p>3 Q. Has ASPCA ever complained to Feld</p> <p>4 Entertainment directly about the care of animals at</p> <p>5 Ringling Bros.?</p> <p>6 A. Not that I'm aware of.</p> <p>7 MS. OCKENE: You're talking about other</p> <p>8 than the notice letters in this case?</p> <p>9 MS. DALTON: Yes.</p> <p>10 THE WITNESS: Not that I'm aware of.</p> <p>11 BY MS. DALTON:</p> <p>12 Q. Since 1996, has ASPCA had any</p> <p>13 communications with anybody working for Feld?</p> <p>14 A. No.</p> <p>15 Q. We've talked about Tom Rider, so I just</p> <p>16 want to confirm that ASPCA has not had any contact</p> <p>17 with any other former Ringling employee since 1996?</p> <p>18 A. As far as I know, we have not.</p> <p>19 MS. DALTON: I would like to mark Exhibit</p> <p>20 23.</p> <p>21 (ASPCA Exhibit No. 23 was</p> <p>22 marked for identification.)</p> <p>23 BY MS. DALTON:</p> <p>24 Q. This is a fund-raiser for a July 21st,</p> <p>25 2005 fund-raiser, correct?</p>
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<p>1 Q. So other than the letter regarding the</p> <p>2 Columbia University researchers and their sporadic</p> <p>3 or I don't know how often they write to you in</p> <p>4 opposition to -- I'm just lumping their letters in</p> <p>5 opposition to your positions as one kind of type of</p> <p>6 contact.</p> <p>7 A. Right.</p> <p>8 Q. And the second contact being the Columbia</p> <p>9 University letter. Can you recall any other</p> <p>10 contacts?</p> <p>11 A. Yes. The other contact was they were very</p> <p>12 critical of our relationship with Iams pet food</p> <p>13 company. And one of our senior vice presidents</p> <p>14 sitting on an advisory board regarding Iams' work</p> <p>15 with dogs and nutritional research that was being</p> <p>16 done.</p> <p>17 Q. Can you think of anything else?</p> <p>18 A. No.</p> <p>19 Q. Does the ASPCA have a position on PETA's</p> <p>20 euthanization of animals?</p> <p>21 A. I'm not aware of that. That's a recent</p> <p>22 incident and I don't know if we do or not.</p> <p>23 Q. Are you aware of the recent arrest of two</p> <p>24 PETA employees for animal cruelty?</p> <p>25 A. If you're referring to this euthanasia</p>	<p>1 A. Correct.</p> <p>2 Q. And this benefit is in part hosted by the</p> <p>3 ASPCA, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Who from the ASPCA helped coordinate this</p> <p>6 event, or I should say helping to coordinate this</p> <p>7 event as it's in the future?</p> <p>8 A. Jo Sullivan who is our senior vice</p> <p>9 president for development.</p> <p>10 Q. Anybody else from ASPCA involved in</p> <p>11 coordinating this event?</p> <p>12 A. Our public relations firm has been</p> <p>13 assisting.</p> <p>14 Q. And which firm is that?</p> <p>15 A. GF Schwartz &amp; Company.</p> <p>16 Q. Anybody else in house?</p> <p>17 A. I assisted a little bit.</p> <p>18 Q. So besides you and Joe, anybody else you</p> <p>19 can think of?</p> <p>20 A. No.</p> <p>21 Q. Whose idea was it to hold this event?</p> <p>22 A. I think it was really the three plaintiffs</p> <p>23 so that we can continue to support Tom Rider in his</p> <p>24 outreach to the public and the media.</p> <p>25 Q. When did ASPCA decide to co-host this</p>

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<p>1 event?</p> <p>2 A. I think it was about two months ago.</p> <p>3 Q. To whom were these invitations sent?</p> <p>4 A. They were sent to ASPCA high donors in the</p> <p>5 California area.</p> <p>6 Q. Anybody else besides that?</p> <p>7 A. They were also e-mailed to ASPCA</p> <p>8 supporters generally in California.</p> <p>9 Q. The invitation states that -- up at the</p> <p>10 top of page 2 of the invitation, it says, "Numerous</p> <p>11 eyewitness accounts and other evidence of the</p> <p>12 mistreatment of the elephants including deaths of</p> <p>13 several baby elephants have been collected for this</p> <p>14 lawsuit." Does that refer to the allegations listed</p> <p>15 in the complaint?</p> <p>16 A. Yes.</p> <p>17 Q. Does it refer to any other eyewitness</p> <p>18 accounts or other evidence that was not listed in the</p> <p>19 complaint?</p> <p>20 A. I don't know.</p> <p>21 Q. Does it refer to any allegations -- I'm</p> <p>22 sorry, does it refer to any eyewitness accounts or</p> <p>23 other evidence not listed in your answers to</p> <p>24 interrogatories?</p> <p>25 A. I don't know.</p>	<p>1 plaintiffs?</p> <p>2 A. Well, it was coordinated by --</p> <p>3 Q. But now I'm asking what your role</p> <p>4 specifically was.</p> <p>5 A. Oh, in coordinating this?</p> <p>6 Q. Yes.</p> <p>7 A. It was more just the wording of the</p> <p>8 invitation and sending it out to ASPCA supporters.</p> <p>9 Q. And who from the other plaintiffs were</p> <p>10 involved in putting together this program?</p> <p>11 A. I believe Cathy Liss -- Cathy Liss and her</p> <p>12 attorney, her in-house counsel, Tracy. I don't</p> <p>13 recall who was involved in the Fund, since I wasn't</p> <p>14 involved in all the conversations having to do with</p> <p>15 this coordinating it.</p> <p>16 Q. Were you involved in any conversations</p> <p>17 with the two hosts, Mr. Begley or Ms. Harper?</p> <p>18 A. No.</p> <p>19 Q. Do you know if anybody from the ASPCA</p> <p>20 discussed this with the CEO and president of the</p> <p>21 Humane Society?</p> <p>22 A. I don't.</p> <p>23 Q. Do you know why the Humane Society is</p> <p>24 co-hosting this event?</p> <p>25 A. I'm assuming it's because of whatever it</p>
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<p>1 Q. Down at the bottom where it says -- it</p> <p>2 says this benefit will include, the second bullet</p> <p>3 point is, "Never before seen video footage of</p> <p>4 mistreatment of elephants at the Ringling Bros.</p> <p>5 Circus." Do you know what this video footage is?</p> <p>6 A. I don't.</p> <p>7 MS. DALTON: I'm asking counsel, is this</p> <p>8 new video that has not been produced to us?</p> <p>9 MS. OCKENE: I think the indication is</p> <p>10 never before seen by the public. It may have been</p> <p>11 stuff that even -- I'm sure -- I have no idea. I</p> <p>12 would have to double-check, but I think it's what's</p> <p>13 been produced already. Either been produced or been</p> <p>14 produced to us by USDA, like the Lawler footage that</p> <p>15 you've seen.</p> <p>16 MS. DALTON: If you can confirm that</p> <p>17 whatever is being shown at this has been also</p> <p>18 produced to us, I would appreciate that. And I would</p> <p>19 make a record request for any video that's going to</p> <p>20 be shown at this fund-raiser if it has not already</p> <p>21 been produced to us.</p> <p>22 BY MS. DALTON:</p> <p>23 Q. Will you be attending this event?</p> <p>24 A. No.</p> <p>25 Q. Have you discussed this event with other</p>	<p>1 was between them and the Fund For Animals. I don't</p> <p>2 know if it was a merger or legally what.</p> <p>3 Q. Has the Humane Society joined the ASPCA as</p> <p>4 a plaintiff in this case?</p> <p>5 A. No.</p> <p>6 Q. Have you, by any chance, seen any talking</p> <p>7 points from Mr. Pacelle's concluding remarks?</p> <p>8 A. No.</p> <p>9 Q. Have you seen any other materials that are</p> <p>10 going to be included in this presentation?</p> <p>11 A. No.</p> <p>12 Q. The invitation also says that there are</p> <p>13 eyewitness accounts of elephant abuse by Tom Rider</p> <p>14 and other former Ringling Bros. employees, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Who are the other former Ringling Bros.</p> <p>17 employees?</p> <p>18 A. I don't know.</p> <p>19 Q. Does anybody at ASPCA know who these</p> <p>20 individuals are?</p> <p>21 A. Not that I'm aware of.</p> <p>22 Q. So as far as you know, the only person who</p> <p>23 is going to be speaking at this event is Tom Rider?</p> <p>24 A. Correct.</p> <p>25 Q. Has the ASPCA hosted any other events to</p>

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<p>1 raise funds for this lawsuit in the past?</p> <p>2 A. No.</p> <p>3 Q. Have any of the other plaintiffs?</p> <p>4 A. I don't know.</p> <p>5 Q. Have any other animal rights groups hosted</p> <p>6 events to help raise funds for this lawsuit?</p> <p>7 A. Not that I'm aware of.</p> <p>8 Q. And the purpose of this fund-raiser is to</p> <p>9 provide additional funding for Tom Rider to continue</p> <p>10 his outreach?</p> <p>11 A. Correct.</p> <p>12 Q. And do you know if Tom Rider is currently</p> <p>13 receiving money from any of the other plaintiffs in</p> <p>14 this case?</p> <p>15 A. I don't know.</p> <p>16 Q. Did they mention anything about their</p> <p>17 support of Tom Rider in any conversations you've had</p> <p>18 with them?</p> <p>19 A. With the plaintiffs?</p> <p>20 Q. Yes.</p> <p>21 A. No.</p> <p>22 MS. OCKENE: This has been asked and</p> <p>23 answered earlier.</p> <p>24 MS. DALTON: I'm just confirming. I just</p> <p>25 want to make sure.</p>	<p>1 A. No.</p> <p>2 Q. Do you know Jim Parsons?</p> <p>3 A. No.</p> <p>4 Q. Do you know Ed Stewart?</p> <p>5 A. No.</p> <p>6 Q. Do you know Betty Swart?</p> <p>7 A. I met her once.</p> <p>8 Q. When did you meet her?</p> <p>9 A. I don't recall the exact date. It was a</p> <p>10 few years ago.</p> <p>11 Q. And --</p> <p>12 A. She may have been at the press conference</p> <p>13 announcing this lawsuit. I honestly don't recall.</p> <p>14 Q. Did you have any conversations with her at</p> <p>15 that time?</p> <p>16 A. Just, you know, introduced myself.</p> <p>17 Q. We've spoken about Tom Rider at length so</p> <p>18 I won't ask you about that. You mentioned that you</p> <p>19 did not know Kelly Tansy, correct?</p> <p>20 A. Correct.</p> <p>21 Q. And Lynette Williams?</p> <p>22 A. No.</p> <p>23 Q. Lauren Silverman?</p> <p>24 A. No.</p> <p>25 Q. Andi Bernat?</p>
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<p>1 BY MS. DALTON:</p> <p>2 Q. And just to confirm, you have no idea who</p> <p>3 the other Ringling employee is?</p> <p>4 A. I don't.</p> <p>5 Q. And you took a look at the text of this</p> <p>6 invitation prior to it being sent out?</p> <p>7 A. Very cursory.</p> <p>8 Q. And it didn't pop out that there was</p> <p>9 another former Ringling employee who was going to</p> <p>10 speak?</p> <p>11 A. No.</p> <p>12 Q. Do you know who ASPCA is planning to call</p> <p>13 as a witness in this case?</p> <p>14 A. No, not really.</p> <p>15 Q. Do you know Nicole Adrian?</p> <p>16 A. No.</p> <p>17 Q. Do you know Deniz Bolbol?</p> <p>18 A. No.</p> <p>19 Q. Do you know Joseph Patrick Cuviallo?</p> <p>20 A. No.</p> <p>21 Q. Do you know Christine Franco?</p> <p>22 A. No.</p> <p>23 Q. Do you know Alfredo Kuha?</p> <p>24 A. No.</p> <p>25 Q. Do you know Miyun Park?</p>	<p>1 A. No.</p> <p>2 Q. Do you know Frank Hagan?</p> <p>3 A. I've heard of him, but I don't know him.</p> <p>4 Q. Has ASPCA had any contact with Mr. Hagan?</p> <p>5 A. Not that I'm aware of.</p> <p>6 MS. DALTON: Mark as Exhibit 24.</p> <p>7 (ASPCA Exhibit No. 24 was</p> <p>8 marked for identification.)</p> <p>9 BY MS. DALTON:</p> <p>10 Q. What's been marked Exhibit 24 is a copy of</p> <p>11 the complaint that you and the other plaintiffs filed</p> <p>12 in this case.</p> <p>13 A. Yes.</p> <p>14 Q. Can you turn to page 75 of the complaint?</p> <p>15 I'm sorry, paragraph 75 on page 16.</p> <p>16 A. Okay.</p> <p>17 Q. In that paragraph, you allege that</p> <p>18 Ringling Bros. keeps its elephants in chains for up</p> <p>19 to 20 hours a day, correct?</p> <p>20 A. Correct.</p> <p>21 Q. What's the basis for that claim?</p> <p>22 A. That was based on what Tom Rider told us</p> <p>23 and I believe Ringling Bros.' own admissions.</p> <p>24 Q. Do you have any evidence that Ringling</p> <p>25 Bros. keeps its elephants in chains for 20 hours a</p>