

Deposition Testimony for FEI Rule 30(b)(6) Witness  
Gary Jacobson (Jan. 18, 2008) - Re Proposed Stipulation To Admit At Trial

8:10 - 10:01

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19:06 - 19:21

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22:05 - 23:06

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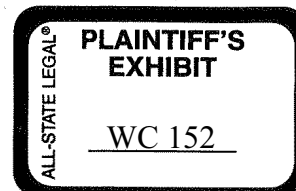
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136:04 - 136:22

154:16 - 17

155:06 - 156:13

157:12- 158:04

**162:21 - 22**

**163:1 - 8**

165:13 - 18

168:13 - 169:03

175:20 - 175:22

179:16 - 179:22

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

----- X  
AMERICAN SOCIETY FOR THE PREVENTION :  
OF CRUELTY TO ANIMALS, et al., :  
Plaintiffs, : Civ. No.  
V. : 03-02006  
RINGLING BROTHERS AND BARNUM & BAILEY : (EGS)  
CIRCUS, et al., :  
Defendants. :  
----- X

Washington, D.C.

Friday, January 18, 2008

Videotaped deposition of GARY JACOBSON,  
called for examination by counsel for the  
Plaintiffs in the above-entitled matter, pursuant  
to notice, the witness being duly sworn by OKEEMAH  
S. HENDERSON, a Notary Public in and for the  
District of Columbia, taken at the offices of  
Meyer, Glitzenstein & Crystal at 1601 Connecticut  
Avenue, Northwest, Suite 700, Washington, D.C.  
20009-1056, at 9:49 a.m., Friday, January 18,  
2008, and the proceedings being taken down by  
Stenotype by OKEEMAH S. HENDERSON and transcribed  
under her direction.

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1 APPEARANCES:

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13 ALSO PRESENT:

14 RICK SANBORN, Videographer

JULIE ALEXA STRAUSS, ESQ.

15 MICHELLE SINNOTT, Paralegal

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1 C-O-N-T-E-N-T-S

2 WITNESS EXAMINATION BY COUNSEL FOR

3 GARY JACOBSON PLAINTIFFS

4 By Ms. Meyer 5

6 E-X-H-I-B-I-T-S

7 NO.		IDENT.
8 1	Notice of deposition	7
9 2	Letter dated 12/28/07	7
10 3	E-mail dated 1/17/05	8
11 4	Cites sheet issued 2/28/97	31
12 5	Cites sheet issued 6/14/99	34
13 6	Cites sheet issued 10/30/02	37
14 7	Asian elephant studbook update	46
15 8	Affidavit of Jerome Sowalsky	50
16 9	Veterinarian health certificate	52
17 10	Cites sheet issued 7/29/86	71
18 11	Cites sheet issued 6/14/99	74
19 12	6/2/04 blue unit transportation order	202
20 13	6/6/04 blue unit transportation order	218
21 14	6/6/04 blue unit transportation order	221
22 15	6/3/04 blue unit transportation order	223

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1 E X H I B I T S Continued

2

3 16 Video footage CD dated 12/10/01 239

4 17 Video footage CD dated 12/15/03 242

5 18 Video footage CD 259

6 19 Video footage CD 262

7 20 Video footage CD dated 2/1/06 262

8 21 Video footage CD 264

9

10 (Original Exhibits 1-17, 20-21 attached.)

11 (Original Exhibits 18 & 19 retained by Ms. Meyer.)

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Alderson Reporting Company  
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1 P-R-O-C-E-E-D-I-N-G-S

2 THE VIDEO OPERATOR: This is tape 1 in  
3 the video deposition of Gary Jacobson in the  
4 matter of the American Society for the Prevention  
5 of Cruelty Animals, et al versus Ringling Brothers  
6 and Barnum & Bailey Circus, et all, filed in the  
7 United States District Court for the District of  
8 Columbia.

9 Today's date i January 18th, 2008. The time  
10 is 9:49 a.m. We are located at the offices of  
11 Meyer Glitzenstein & Crystal at 1601 Connecticut  
12 Avenue, Northwest, Washington, D.C. 20009. Will  
13 counsel identify themselves beginning with the  
14 attorney giving notice.

15 MS. MEYER: Kathy Meyer for the  
16 Plaintiff.

17 MS. WINDERS: Delci Winders for the  
18 plaintiff.

19 MS. JOINER: Lisa Joiner on behalf of  
20 the witness, Field Entertainment, Inc.

21 MR, SIMPSON: John Simpson on behalf of  
22 the same entities as identified by Ms. Joiner.

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1 MS. STRAUSS: Julie Strauss, in-house  
2 counsel, Feld Entertainment.

3 THE VIDEO OPERATOR: Also present are  
4 the Court Reporter, Okeemah Henderson representing  
5 Alderson Court Reporting and the videographer  
6 Terry Powell representing Alderson Court  
7 Reporting.

8 Will the Court Reporter, please, swear in  
9 the witness.

10 Whereupon,

11 GARY JACOBSON,  
12 called as a witness, having been first duly sworn  
13 to tell the truth, the whole truth, and nothing  
14 but the truth, was examined and testified as  
15 follows:

16 DIRECT EXAMINATION

17 BY MS. MEYER:

18 Q. Good morning, Mr. Jacobson?

19 A. Hello again.

20 Q. Nice to see you again. Before I  
21 start, I want to introduce a couple of, make a  
22 couple of documents exhibits in this case and the



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1 first is a letter dated November 8, 2007 from me  
2 to Lisa Joiner and Michelle Pardo, and attached to  
3 that is a notice of deposition of defendant, Feld  
4 Entertainment pursuant to federal rule of civil  
5 procedure 30(B)(6), which is the notice pursuant  
6 to which Mr. Jacobson is here today, and I'd like  
7 to have that marked as Exhibit 1, please.

8 (FEI Deposition Exhibit No. 1 was marked for  
9 identification.)

10 MS. MEYER: I'd like to have marked as  
11 Exhibit 2 the letter dated December 28th, 2007  
12 from me to Ms. Joiner explaining that now the  
13 Judge Frachola has ruled that the parties may take  
14 up to 15 fact depositions, that I'm following up  
15 with regard to the rule 30(B)(6) notice that was  
16 September earlier and that we would like to  
17 schedule the taking of that deposition. I'd like  
18 to have that marked as Exhibit 2.

19 (FEI Deposition Exhibit No. 2 was marked for  
20 identification.)

21 MS. MEYER: And I'd like to have marked  
22 as Exhibit 3 an E-mail that I received last night

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1 in Michelle Pardo dated January 17, 2008, time  
2 stamped 5:33 p.m. and attached to that E-mail is  
3 something called objection to notice of deposition  
4 by the defendant, and it is dated January 17,  
5 2008. I'd like to have both those documents  
6 marked as Exhibit 3.

7 (FEI Deposition Exhibit No. 3 was marked for  
8 identification.)

9 BY MS. MEYER:

10 Q. Could you, please, state your full  
11 name, for the record?

12 A. Gary Lynn Jacobson.

13 Q. And you work for Feld Entertainment;  
14 is that correct, Mr. Jacobson?

15 A. Yes.

16 Q. And what's your position there?

17 A. I'm the general manager at the Center  
18 for Elephant Conservation located in Polk City,  
19 Florida.

20 Q. How long have you held that position?

21 A. As a general manager since 2000.

22 Q. And how long have you been at the CEC?

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1 A. Since June 26, 1995.

2 Q. When I say the CEC, I'm referring to  
3 the Center for Elephant Conservation. You  
4 understand that, right?

5 A. Yes.

6 Q. And just briefly, what are your duties  
7 at the CEC?

8 A. I manage the breeding operation and  
9 care and management of the elephants.

10 Q. Have you held other positions at Feld  
11 Entertainment over the years?

12 A. Yes.

13 Q. What have they been?

14 A. I was a handler in the early '70s,  
15 presenter in the mid '70s, handler and presenter  
16 in the late '70s, and I came on board as a trainer  
17 in 1995.

18 Q. Did you also do some handling of  
19 elephants on the road in the late '90s?

20 A. Some. Yes.

21 Q. You traveled with the blue unit at one  
22 point in the late '90s, didn't you?

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1 A. Once or twice. Yes.

2 Q. Are you familiar with how the  
3 elephants that travel on the blue unit are  
4 maintained on the blue unit?

5 A. Currently you mean?

6 Q. Yes.

7 A. Yes.

8 Q. Are you familiar with how they're  
9 maintained in the 1990s when you traveled with the  
10 blue unit?

11 A. To a certain extent, I was mainly  
12 concerned with the young elephants.

13 Q. Are you familiar with the blue unit  
14 schedules in terms of the cities that the blue  
15 unit travels to throughout the year?

16 A. Yes.

17 Q. And are you familiar with the general  
18 way the circus sets up when it gets to a venue?

19 A. Basically. Yes.

20 Q. And are you generally familiar with  
21 how rehearsal is handled by the blue unit?

22 A. Yes.

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1 Q. And how performance is handled?

2 A. Yes.

3 Q. And are you also familiar with how the  
4 circus is taken down when it's time to leave a  
5 venue and go to a new venue?

6 A. The elephant part of it. Yes.

7 Q. And are you also familiar with how the  
8 elephants travel on the train from one venue to  
9 another?

10 A. Yes.

11 Q. Are you familiar with who the handlers  
12 are on the blue unit who handle the elephants on  
13 the blue unit?

14 A. Mostly. Yes.

15 Q. And you recognize them by name?

16 A. Yes.

17 Q. And you would recognize them if you  
18 saw them?

19 A. Yes.

20 Q. And are you familiar with the handlers  
21 who run the blue unit in the late 1990s as well?

22 A. Pretty much. Yes.

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1 Q. And you would know them by name as  
2 well?

3 A. Yes.

4 Q. And you would recognize them if you  
5 saw them?

6 A. Certainly.

7 Q. And obviously you have a great deal of  
8 experience with the CEC, correct?

9 A. Yes.

10 Q. And you're familiar with the schedules  
11 of the CEC? How the CEC is run from day to day;  
12 is that correct?

13 A. Yes.

14 Q. And you're familiar with the handlers  
15 who work at the CEC, correct?

16 A. Yes.

17 Q. And know them by name, correct?

18 A. Yes.

19 Q. And you'd recognize them if you saw  
20 them, correct?

21 A. Yes.

22 Q. Mr. Jacobson, what have you done to

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1 prepare for this deposition?

2 A. I have been to the blue show, and I  
3 looked at a number of papers and depositions or  
4 declarations, I should say.

5 Q. Anything else?

6 A. There may have been something else but  
7 all this legal stuff is kind of beyond me. Sorry.

8 Q. Have you actually read some of the  
9 deposition testimony that's been given in this  
10 case?

11 A. My own.

12 Q. And have you met with anybody other  
13 than your attorneys to prepare for this  
14 deposition?

15 A. I talked to David Polke.

16 Q. And who is that?

17 A. He's the elephant superintendent of  
18 the blue unit.

19 Q. How long has he held that position?

20 A. Just this year.

21 Q. Have you talked to anybody else?

22 A. Not personally, no.

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1 Q. And Mr. Polke has held other positions  
2 at Feld Entertainment over the years; is that  
3 correct?

4 A. Yes.

5 Q. What other positions has he held?

6 A. He was the animal superintendent  
7 before he was the elephant superintendent.

8 Q. And how long did he hold that  
9 position?

10 A. I'm not really sure.

11 Q. Do you have any idea?

12 A. I'm not really sure.

13 Q. And that was on the blue unit as well?

14 A. Right.

15 Q. Was it more than a couple of years?

16 A. I'm not sure. Could have been two or  
17 more.

18 Q. What other positions has he held with  
19 the company?

20 A. In the '90s, he worked a ring of  
21 elephants and in the '70s, he was on the red show.  
22 He worked at Williston.



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1 Q. When did he work at Williston?

2 A. Before he went to the blue show, and  
3 I'm not exactly sure when the dates were.

4 Q. When you say in the '90s he worked a  
5 ring of elephants, was that with the blue unit as  
6 well?

7 A. Yes.

8 Q. And when you said that you've been to  
9 the blue show as part of your preparation for this  
10 deposition, can you tell me what that means?

11 A. I went over and just took a look at  
12 the elephants and actually went to see the show.

13 Q. Just once?

14 A. Yes. Just once to see the show.

15 Q. Which venue did you visit the blue  
16 unit in?

17 A. Orlando.

18 Q. I'm sorry?

19 A. Orlando.

20 Q. So that was recently that you visited  
21 the blue unit?

22 A. Yes.

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1 Q. Did you travel on the train with the  
2 blue unit?

3 A. No.

4 Q. How many days were you at the blue  
5 unit facility when you were in Orlando?

6 A. I was there two different days. Three  
7 hours on one day, four on the other.

8 Q. Can you tell me which days you were  
9 there?

10 A. Last Friday a week ago today and on  
11 Saturday, I saw the show.

12 Q. So last Friday you were there for  
13 three hours?

14 A. About three hours.

15 Q. And then last Saturday you were there  
16 for about four hours?

17 A. Right. Part of that was seeing the  
18 evening performance.

19 Q. Was that the last night of the show,  
20 do you know?

21 A. I think they closed Sunday.

22 Q. Have you been to see a blue unit show

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1 other than that one in recent years?

2 A. Yes. I see it every year.

3 Q. Oh, you do. Okay. Have you been to  
4 winter quarters before?

5 A. Yes.

6 Q. Do you go to winter quarters every  
7 year?

8 A. Normally.

9 Q. Just so the record is clear, what is  
10 winter quarters for the blue unit?

11 A. It's the Tampa, the state fairgrounds  
12 part of the state fairgrounds where the show is  
13 put together.

14 Q. How long does winter quarters last?

15 A. Roughly five weeks.

16 Q. And when is winter quarters held?

17 A. It's part of November and most of  
18 December.

19 Q. And that's true every year; is that  
20 correct?

21 A. Yes.

22 Q. When you said you looked at papers to

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1 prepare for this deposition, can you be more  
2 specific about which papers you looked at?

3 A. I think I looked at a couple of  
4 declarations and I looked at this (indicating)  
5 piece of work here.

6 Q. That's something your lawyer prepared?

7 A. Yes.

8 MS. MEYER: I'd like to have a copy of  
9 that. That's a joke.

10 MS. JOINER: He's referencing the  
11 exhibits to the summary judgment motion, but I'll  
12 get you a copy, another one if you'd like.

13 MS. MEYER: I have one of those. Okay.

14 BY MS. MEYER:

15 Q. Anything else that you looked at that  
16 you can think of paperwise?

17 A. I think the declarations.

18 Q. Do you know which declarations that  
19 you looked at?

20 A. I think they were mine.

21 Q. What I'd like to do now is talk to you  
22 about the seven elephants that we're talking about

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1 today. Do you know which seven elephants are at  
2 issue for this deposition?

3 A. Yes.

4 Q. I'd like to ask you questions about  
5 each of them, if I could. Starting with Karen.  
6 Are you familiar with the elephant Karen?

7 A. Yes.

8 Q. She's on the blue unit right now; is  
9 that correct?

10 A. Correct.

11 Q. And Karen was born in 1969; is that  
12 correct?

13 A. Probably.

14 Q. When you say probably, what do you  
15 mean?

16 A. She came into this country in 1969 and  
17 was quite small.

18 Q. Okay. How old was she when she got to  
19 this country?

20 A. Judging from the pictures I have seen,  
21 probably six or eight months.

22 Q. I think Robert Ridley testified

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1 between four and six months; is that about right?

2 A. He would have been there. I was not  
3 there.

4 Q. And Karen was born in the wild; is  
5 that correct?

6 A. I do not know.

7 Q. Do you know which country she's from?

8 A. I have seen it on paper as Thailand.

9 Q. And as you said, she came into  
10 Ringling Brothers' possession in 1969, correct?

11 A. Right.

12 Q. And how long has she been on the blue  
13 unit?

14 A. Since she came into this country,  
15 1969.

16 Q. Do you know who trained Karen?

17 A. Axel Gautier.

18 Q. How do you spell that last name?

19 A. G-A-U-T-I-E-R, I believe.

20 Q. Do you know if Hugo Schmidt had any  
21 responsibility for training Karen before she got  
22 here?

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1 A. Before she got here?

2 Q. Or after she got here or at all?

3 A. I believe if my memory serves me  
4 right, Hugo retired in 1969.

5 Q. Okay. Who did Hugo Schmidt work for?

6 A. What do you mean?

7 Q. Well, you said he retired in 1969?

8 A. He retired from Feld Entertainment.

9 Q. That's what I wanted to know. He  
10 worked for Feld Entertainment?

11 A. Yes.

12 Q. He was a trainer of elephants for Felt  
13 Entertainment?

14 A. Yes.

15 Q. Did he have some responsibility for  
16 training Karen when she arrived?

17 A. I am not sure.

18 Q. If Mr. Ridley said that Hugo Smith  
19 began the training of Karen, would that be  
20 probably correct?

21 A. Yes. Since he was there.

22 Q. And Mr. Ridley said that Alex Gautier

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1 completed her training. Would that be consistent  
2 with what you believe is true?

3 A. Yes.

4 MS. JOINER: Objection to form.

5 Q. Who is Axel Gautier?

6 A. He's an Austrian. He came from a  
7 circus family and worked for Feld Entertainment.

8 Q. He was a trainer of elephants for Feld  
9 Entertainment?

10 A. Yes.

11 Q. When was he a trainer of elephants for  
12 Feld Entertainment?

13 A. In the, some of the '60s '70s, '80,  
14 until the time of his death which I think was in  
15 '90 or '91, something like that.

16 Q. He died in -- I'm sorry. What year  
17 did you say he died?

18 A. I'm not sure. I thought it was in '90  
19 or '91 but I'm not sure.

20 Q. Do you know what he died from?

21 A. Yes.

22 Q. What did he die from?



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1 A. He was killed by an elephant.

2 Q. An elephant owned by Feld  
3 Entertainment?

4 A. Yes.

5 Q. Which elephant was that?

6 A. Reba.

7 Q. Now, when did Hugo Schmidt start  
8 working for Feld Entertainment?

9 A. I believe in 1948 which at that time  
10 was not Feld Entertainment, it was Ringling  
11 Brothers Barnum & Bailey.

12 Q. Thank you for that correction. Do you  
13 know if Hugo Schmidt trained any of the other six  
14 elephants that are at issue in this deposition?  
15 Let me be specific. Do you know whether or not  
16 Hugo Schmidt trained Jewell?

17 A. He did some training. He did not do  
18 the initial training.

19 Q. Do you know who did the initial  
20 training of Jewell?

21 A. Louie Reed and Robert Smokey Jones.

22 Q. How about Lutzi?

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1 A. The same.

2 Q. When you say the same, I guess I'm  
3 trying to figure out if Mr. Schmidt had any  
4 responsibility for training Lutzi?

5 A. The initial training was done by Louis  
6 Reed and Robert Smokey Jones, then Hugo took over  
7 later.

8 Q. Do you know how old Jewell was when  
9 she was trained by Smokey Jones, and I'm sorry  
10 what is --

11 A. Louis Reed.

12 Q. Thank you. Do you know how old she  
13 was, Jewell, when she was trained by Louis Reed  
14 and Smokey Jones?

15 A. I have seen it on the paperwork, but  
16 normally at that time they brought the elephants  
17 over by ship. So they were normally at least  
18 three or four years old.

19 Q. And do you know how old Jewell was  
20 when Hugo Schmidt took over the training of her?

21 A. I'm not sure what year that was. Hugo  
22 had left the show for a while to go to another

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1 show and then he came back, and I'm not sure what  
2 year that was.

3 Q. And do you know how old Lutzi would  
4 have been when she was trained by Louis Reed and  
5 Smokey Jones?

6 A. Pretty much it would be the same  
7 answer.

8 Q. And do you know how old she was when  
9 she was trained by Hugo Schmidt?

10 A. No. I'm not sure when Hugo came back  
11 to the show.

12 Q. How about Mysore. Did she receive any  
13 training from Mr. Reed and Mr. Jones?

14 A. Yes.

15 Q. Who else trained Mysore?

16 A. Pretty much it would have been just  
17 those two.

18 Q. Do you know how old Mysore was when  
19 she received the training from Mr. Reed and Mr.  
20 Jones?

21 A. She probably would have been about the  
22 same age. She came in in 1947.

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1 Q. And what about Susan. Did she receive  
2 any training from Mr. Reed and Mr. Jones?

3 A. Yes.

4 Q. Did she receive training from anyone  
5 else?

6 A. From Hugo later when he came back to  
7 the company.

8 Q. Do you know how old Susan was when she  
9 received her training from Mr. Reed and Mr. Jones?

10 A. Would have been roughly the same as  
11 Jewell and Lutzi.

12 Q. What about Zina, did she also receive  
13 training from Mr. Reed and Mr. Jones?

14 A. No.

15 Q. Do you know who trained Zina?

16 A. I'm not sure who trained Zina.

17 Q. Do you have any idea who it might have  
18 been?

19 A. I'm not sure. She was in Europe.

20 Q. So Mr. Reed worked for Ringling  
21 Brothers; is that correct?

22 A. Yes.

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1 Q. When did he work for Ringling  
2 Brothers?

3 A. I'm not sure exactly how long it was.

4 Q. Do you know when he stopped working  
5 for Ringling Brothers?

6 A. No.

7 Q. Was Mr. Jones a protégé of Mr. Reeds?

8 A. Yes.

9 Q. Do you know anything about the  
10 background of Mr. Reed?

11 A. Not a lot. He was way before my time  
12 but he was a famous trainer.

13 Q. And I take it he was an American  
14 trainer; is that correct?

15 A. Yes.

16 Q. Is he still alive, do you know?

17 A. No.

18 Q. You don't know or --

19 A. No. He's not alive. He's deceased.

20 Q. Do you know when he died?

21 A. No, I do not.

22 Q. So Mr. Reed trained Smokey Jones to

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1 train elephants; is that correct?

2 A. Yes.

3 Q. And did Karen receive any training at  
4 all from Mr. Reed or Mr. Jones?

5 A. No.

6 Q. Did Nicole receive any training at all  
7 from Mr. Reed or Mr. Jones?

8 A. No.

9 Q. Who trained Nicole?

10 A. That's a three-part question. She  
11 would have been partially trained in Asia, so I do  
12 not have an idea who that would be. Then she went  
13 to Germany and I do not know who trained her  
14 there. Then when they came to this country, Axel  
15 Gautier would have trained them.

16 Q. Okay. Are you familiar with a  
17 document called the Asian Elephant North American  
18 Regional Studbook?

19 A. Yes.

20 Q. Can you tell me what the studbook is?

21 A. It's a book that I believe is put  
22 together by the AZA and it pretty much keeps track

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1 of all of the Asian elephants in the United States  
2 and Canada, I believe.

3 Q. And these would be the captive  
4 elephants, correct, when you say keeps track of  
5 all the elephants?

6 A. What do you mean captive, they're  
7 captive in this country.

8 Q. Well, that's what I meant. I was just  
9 clarifying?

10 A. Yes.

11 Q. When you say the AZA, what do you mean  
12 by that?

13 A. I believe it's the American Zoological  
14 Association.

15 Q. Have you ever had occasion to consult  
16 the studbook about information about an elephant?

17 A. From time to time.

18 Q. So you're familiar with entries made  
19 in the studbook; is that correct, in a general  
20 sense?

21 A. Some form.

22 MS. JOINER: Objection to form.

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1 MS. MEYER: I just want to show you and  
2 unfortunately, I only have one and I don't want to  
3 make it an exhibit, I just want to show this to  
4 you. But what I'm showing you is the North  
5 American Regional Studbook Update, it's dated May  
6 1st 2005 through July 16, 2007.

7 It's actually an exhibit and has been  
8 produced in this case as PL 16303 and what I  
9 wanted to show you and just ask you a question  
10 about is the entry for Karen on page 39.

11 If you could just take a look at that,  
12 please. I've got it highlighted so you could look  
13 at it.

14 A. (The witness complies.)

15 Q. Have you looked at it?

16 A. Yes.

17 Q. And see in that studbook entry that I  
18 just showed you that it says Karen was born in  
19 Thailand?

20 A. Uh-huh.

21 Q. And you see that it also says that she  
22 was captured. Do you see that?



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1 A. Right. And if you ask Mike Keele  
2 about that, if they don't know, they put down wild  
3 capture.

4 MS. MEYER: All right. Thank you. And  
5 I want to now show you what I'd like to have  
6 marked as Exhibit 4.

7 (FEI Deposition Exhibit No. 4 was marked for  
8 identification.)

9 MS. MEYER: I ask you just to take a  
10 look at that document, please.

11 MS. JOINER: I object to the exhibit.  
12 It's incomplete.

13 BY MS. MEYER:

14 Q. Have you had a chance to look at that  
15 document?

16 A. Yes. Exactly what am I looking at?

17 Q. I'll get to that in a minute. I just  
18 want, for the record, this is a document that was  
19 produced by defendant and has Bates label Feld  
20 0005209. And what I wanted you to, first, I  
21 wanted to ask you if you're familiar with this  
22 kind of a document?

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1 A. Yes.

2 Q. And what is this document?

3 A. It's a Cites permit.

4 Q. What is a Cites permit?

5 A. It allows you to move elephants, in  
6 this case, in and out of the United States.

7 Q. And you see that the issuing date for  
8 this Cites permit in the middle, sort of the  
9 middle of the page is February 28, 1997?

10 A. Yes.

11 Q. And what I wanted to ask you about,  
12 you see at the bottom the list of elephants  
13 there's listed, the last elephant listed actually  
14 is listed with the name Karen. Do you see that?

15 A. Yes.

16 Q. And that would be the same Karen that  
17 we've been talking about, correct?

18 A. Yes.

19 Q. And there's no other Karen that was  
20 owned by Feld Entertainment in 1997, is there?

21 A. Correct.

22 Q. And you see right next to that in

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1 block No. 12 it says country of origin?

2 A. Mm-hmm.

3 Q. And there it says unknown. Do you see  
4 that?

5 A. Mm-hmm.

6 Q. And this was a document that was  
7 prepared by Ringling Brothers; is that correct?

8 A. I believe so.

9 Q. So I was wondering why that particular  
10 entry says unknown if, in fact, the studbook says  
11 she's from Thailand?

12 A. Could be that there was a mistake made  
13 when this was put together.

14 Q. Okay. But in 1997, it would have been  
15 easy to check the studbook and see that she was  
16 from Thailand, wouldn't it?

17 MS. JOINER: Objection. Argumentative.

18 A. I don't know.

19 BY MS. MEYER:

20 Q. So you think that would be the only  
21 explanation, it was a mistake?

22 A. Yes. It was a mistake.

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1 MS. MEYER: Now, I'd like to show you  
2 another document and have that marked as an  
3 exhibit.

4 (FEI Deposition Exhibit No. 5 was marked for  
5 identification.)

6 MS. MEYER: It's been marked as Exhibit  
7 5, and for the record, it's a document produced by  
8 the defendant in this case and it's Bates labeled  
9 Feld 0005203. And I ask you to take a look at  
10 that document as well?

11 A. (The witness complies.)

12 BY MS. MEYER:

13 Q. Have you looked at it?

14 A. Yes.

15 Q. And this is also a Cites document; is  
16 that correct?

17 A. It appears to be.

18 Q. And you see that the date of issue for  
19 this Cites document sort of toward the bottom of  
20 the page on the right-hand side is 1999?

21 A. Yes.

22 Q. It's says June 14, 1999, correct?

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1 A. Yes.

2 MS. JOINER: Objection. Form.

3 BY MS. MEYER:

4 Q. And if you go to page 2 of this  
5 document, you see that there's a list of animals  
6 who are the subject of this document listed on the  
7 left-hand side of the second page. Do you see  
8 that?

9 A. Yes.

10 Q. And see Karen listed there?

11 A. Yes.

12 Q. And that would be the same Karen that  
13 we're talking about also, would it not?

14 A. Yes.

15 Q. And do you see also it says date of  
16 birth and then origin. You see that column in the  
17 middle of the page?

18 A. Yes.

19 Q. And it says date of birth, 1969 and  
20 then for origin, again, it says unknown. Do you  
21 see that?

22 A. Yes.

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1 Q. Do you know why it would say unknown  
2 on this document when, in fact, the studbook shows  
3 she was born in Thailand?

4 A. I will assume that it's an error  
5 probably made from the previous permit.

6 Q. Do you know who would have been  
7 responsible for preparing this document that we're  
8 looking at on behalf of Ringling Brothers?

9 A. No.

10 MS. JOINER: Objection to form.

11 BY MS. MEYER:

12 Q. Do you know who would have been  
13 responsible for carrying the Cites permit that we  
14 marked as Exhibit 4?

15 A. I don't see a name on it. No.

16 Q. Do you know who, for example, in 1997  
17 would have had the authority within the company  
18 for preparing Cites documents?

19 A. Probably legal.

20 Q. Do you know who that would have been  
21 in 1997?

22 A. No.

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1 MS. MEYER: I'd like to have another  
2 document marked as an exhibit.

3 (FEI Deposition Exhibit No. 6 was marked for  
4 identification.)

5 MS. MEYER: I ask you to take a look at  
6 that and for the record, this exhibit is also one  
7 that was produced by defendant in this case and it  
8 has the Bates label of Feld 0005199?

9 A. (The witness complies.)

10 BY MS. MEYER:

11 Q. Have you had a chance to look at that  
12 document?

13 A. Yes.

14 Q. And this is also a Cites permit; is  
15 that correct?

16 A. Yes.

17 Q. And do you see that the issuing day  
18 was 10/30/2002?

19 A. Yes.

20 Q. And you see in block No. 12 it says  
21 country of origin and it says unknown. Do you see  
22 that. It's on the left-hand side of the page?

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1 A. Yes.

2 Q. It says unknown and do you see that?

3 A. Yes.

4 Q. And again, this is a document that  
5 refers to Karen as well, which is indicated in  
6 block number 9 in the middle of the page. Do you  
7 see that?

8 A. Yes.

9 Q. So do you have an explanation for why  
10 it would say her country of origin was unknown on  
11 this Cites permit dated 2002?

12 A. I would assume it just came from a  
13 previous permit.

14 Q. But that information about her country  
15 of origin as unknown is incorrect; isn't that  
16 right?

17 A. Would you repeat that, please?

18 Q. The statement that her country of  
19 origin is unknown on this document is incorrect,  
20 right?

21 A. Yes and or no. At that time, they  
22 came out of Thailand. They could have come from



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1 any of the Asian countries.

2 Q. But earlier in the deposition when I  
3 asked you where she was from you said Thailand?

4 A. I thought she was from Thailand. Yes.

5 Q. And again, the studbook says she's  
6 from Thailand as well, correct?

7 A. That's what it says. Yes.

8 Q. I'd like to ask you some questions  
9 about Nicole, if I could. Now, Nicole was born in  
10 1976; is that correct?

11 A. I believe that's what the papers say.  
12 Yes.

13 Q. And she was also wild; is that  
14 correct?

15 A. I do not know.

16 Q. Do you know what country she was from?

17 A. I believe Burma.

18 Q. And she was purchased by Ringling  
19 Brothers in 1980; is that correct?

20 A. Yes.

21 Q. And who was she purchased from?

22 A. I'm not sure who she was purchased

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1 from but the gentleman handling the transaction  
2 was an animal dealer in Germany by the name of  
3 Ruhe.

4 Q. Okay. And I'm sorry. What is his  
5 name?

6 A. Ruhe, R-U-H-E, I believe it is.

7 Q. Do you know his first name?

8 A. No.

9 Q. Is it Herman?

10 A. I'm not sure.

11 Q. Does that ring a bell with you?

12 A. I'm not sure.

13 Q. And who is Mr. Ruhe?

14 A. I believe he was an animal dealer or  
15 importer.

16 Q. And Ringling Brothers obtained Nicole  
17 through Mr. Ruhe; is that what you said?

18 A. Yes.

19 Q. Was he a German individual?

20 A. I believe he's German. Yes.

21 Q. Was she obtained along with some other  
22 elephants through Mr. Ruhe by Ringling Brothers?

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1 A. Yes.

2 Q. How many other elephants, do you know?

3 A. Five.

4 Q. So there was six in all?

5 A. Yes.

6 Q. And were they all obtained in 1980 by  
7 Ringling Brothers?

8 A. Yes.

9 Q. Who were the other five elephants?

10 A. Icki, Alana, Banko.

11 Q. I'm sorry?

12 A. Banko. Siam.

13 Q. Siam with an S, right?

14 A. Yes. How many is that?

15 Q. Four?

16 A. Nicole is five and another elephant  
17 named Babe, that's 6.

18 Q. And these elephants when they came to  
19 Ringling Brothers had different names; is that  
20 correct?

21 A. Yes.

22 Q. They had -- do you know any of those

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1 names?

2 A. No.

3 Q. If I gave you the names, would you  
4 recognize which one was Nicole's?

5 A. I don't think so. No.

6 Q. Do you have any idea which one would  
7 have been Nicole's?

8 A. I never knew what their names were.

9 Q. And Nicole is on the blue unit as  
10 well; is that correct?

11 A. Yes.

12 Q. And how long has Nicole been on the  
13 blue unit?

14 A. Since 1980.

15 Q. So she's been on the blue unit the  
16 entire time she's been in the possession of  
17 Ringling Brothers; is that correct?

18 A. No.

19 Q. Were there times when she was taken  
20 off the blue unit?

21 A. She was at the CEC.

22 Q. When was she at the CEC?

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1 A. I cannot remember.

2 Q. Was she taken to the CEC in order to,  
3 for breeding purposes?

4 A. No.

5 Q. She was never considered a breeding  
6 candidate for the CEC?

7 A. She was not.

8 Q. Do you remember why she was taken to  
9 the CEC?

10 A. She didn't seem to feel well.

11 Q. According to my records, she went to  
12 the CEC between February of '96 and June of '97.  
13 Does that comport with your memory?

14 A. I'm not sure.

15 Q. Do you think it was in the mid '90s,  
16 that she was at the CEC?

17 A. I cannot remember exactly when she was  
18 there.

19 Q. When did you start at the CEC?

20 A. '95.

21 Q. Was she at the CEC when you started  
22 there?

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1 A. I would have to check the list to see.

2 Q. You don't remember her being there?

3 A. No.

4 Q. But she was at the CEC for some period  
5 of time after you were at the CEC, correct?

6 A. Yes, she was.

7 Q. And was that, has she been at the CEC  
8 before than once?

9 A. I believe so.

10 Q. So she's been taken off the road a  
11 couple of times and taken to the CEC, correct?

12 A. I believe twice.

13 Q. Do you know how long she's been back  
14 at the blue unit?

15 A. I cannot remember when.

16 Q. According to my records, she's been  
17 back on the blue unit since 2001. Does that  
18 comport with your memory?

19 A. I'm not sure when.

20 Q. But she hasn't been at the CEC for a  
21 while; is that correct?

22 A. No. Has not.

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1 Q. And she's been at the blue unit for  
2 the last several years, as far as you know?

3 A. Yes.

4 Q. So Nicole is about 31 or 32 years old;  
5 is that correct?

6 A. Probably. Yes.

7 Q. But you say she's not an elephant that  
8 would be considered for the breeding program?

9 A. No.

10 Q. Why is that?

11 A. I cannot remember the exact reason but  
12 it was ovarian cyst or something.

13 Q. And Karen is about 38 or 39; is that  
14 correct?

15 A. Yes.

16 Q. Has she ever been part of the breeding  
17 program at the CEC?

18 A. No.

19 Q. Is she considered a possible candidate  
20 for the breeding program in the future?

21 A. No. Too old.

22 MS. MEYER: She's too old. Now, I

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1 wanted to show you an entry in the Asian Elephant  
2 Studbook that we spoke about earlier. It's the  
3 same document that I referenced earlier. It's the  
4 update dated May 1, 2005 to July 16, 2007, and I  
5 wanted to just show you the page which is page 39.

6 It's the same page actually, I didn't  
7 realize that, that Karen is on. You can actually  
8 look that the exhibit and I don't even have to  
9 mark it as an exhibit. Did we mark that as an  
10 exhibit or I just show it to you?

11 MS. JOINER: You didn't mark it.

12 MS. MEYER: Let's mark it as an exhibit  
13 because I do have copies of it. It would be  
14 easier to do it that way. It's Bates labeled PL  
15 16303.

16 (FEI Deposition Exhibit No. 7 was marked for  
17 identification.)

18 MS. JOINER: And just for the record,  
19 my copy doesn't have Bates labels on it.

20 MS. MEYER: Okay. Sorry about that.

21 MS. JOINER: That's okay.

22 BY MS. MEYER:



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1 Q. If you look at just page 2 of the  
2 exhibits which is page 39 of the studbook?

3 A. Yes.

4 Q. And the entry for Nicole at the bottom  
5 of the page. Do you see that?

6 A. Yes.

7 Q. And it says under the column Sire Dam,  
8 it says wild, wild. Do you see that?

9 A. Yes.

10 Q. Do you know what that means?

11 A. One of two things, they're either wild  
12 or he didn't know what they were so he put down  
13 wild.

14 Q. How do you know they put down wild if  
15 they dont know what it is?

16 A. That's what they do.

17 Q. How do you know that?

18 A. Mr. Keele said so.

19 Q. Mr. Keele's told that you before?

20 A. Yes.

21 Q. Mr. Keele's told you if they don't  
22 know whether or not the parents of a particular

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1 elephant were born in the wild, they put down wild  
2 in the studbook any way?

3 A. Right. In fact, I believe we have  
4 records stating that they were born in captivity.

5 Q. Who was born this captivity?

6 A. Nicole.

7 Q. Okay. Do you know where she was born  
8 in captivity?

9 A. I believe Burma.

10 Q. So you're saying the studbook is wrong  
11 when it says wild, wild?

12 A. Yes or no, it could be or it might not  
13 be. I don't know.

14 Q. And you see that it also says for  
15 Nicole in the column that's titled event, it says,  
16 capture. Do you see that?

17 A. Is that what that means?

18 Q. I'm just asking you if you see the  
19 word capture?

20 A. Yes. I see the word capture.

21 Q. Which would seem to indicate that she  
22 was captured from the wild, correct?

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1 MS. JOINER: Objection to form.

2 A. I guess. I don't know.

3 BY MS. MEYER:

4 Q. I thought you said you were familiar  
5 with the studbook and the entries in the studbook?

6 MS. JOINER: Objection.

7 A. I'm some familiar.

8 BY MS. MEYER:

9 Q. I thought you said earlier that you  
10 were familiar with the studbook?

11 A. I am somewhat familiar with it. I  
12 never read it completely.

13 Q. I just want to know what these entries  
14 mean based on your knowledge of the studbook, and  
15 so I was just asking you what the entry capture  
16 would mean?

17 A. I believe I have seen paperwork that  
18 says she was captive. I would be more likely to  
19 believe that than something in the studbook.

20 Q. Whose paperwork have you seen?

21 A. I believe it's in this book here.

22 Q. So you have paperwork that shows that

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1 Nicole was born in captivity; is that correct?

2 A. I believe.

3 Q. Do you have reason as to why the  
4 studbook would have gotten that wrong?

5 A. I don't know why.

6 MS. MEYER: So I'd like to have another  
7 document marked as an exhibit.

8 (FEI Deposition Exhibit No. 8 was marked for  
9 identification.)

10 BY MS. MEYER:

11 Q. I ask you to take a look at that?

12 A. (The witness complies.)

13 Q. Have you had a chance to look at that  
14 document?

15 A. Yes.

16 MS. MEYER: And for the record, this  
17 was a document that was produced by the defendant,  
18 and it has the Bates labeled Feld 0005354 and it  
19 is an affidavit executed by Jerome F. Sowalsky,  
20 spelled, S-O-W-A-L-S-K-Y.

21 And for the record, this is also a document  
22 that was produced as an exhibit in support of

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1 defendant's motion for summary judgment in this  
2 case.

3 BY MS. MEYER:

4 Q. Who is Mr. Sowalsky?

5 A. I believe he's an executive vice  
6 president and an attorney for Feld.

7 Q. For Feld Entertainment?

8 A. Yes.

9 Q. And has he worked for Feld  
10 Entertainment for many years?

11 A. As far as I know. Yes.

12 Q. And you see in this affidavit that was  
13 executed by Mr. Sowalsky that he states in  
14 paragraph one that, "In July, 1980, Ringling  
15 Brothers and Barnum & Bailey entered into an  
16 agreement to purchase six female captive-borne  
17 Asian elephants from Herman Ruhe." Do you see  
18 that?

19 A. Yes.

20 Q. Was Nicole one of those six elephants?

21 A. Yes.

22 Q. And is this the document you think you

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1 were referring to when you said you saw paperwork  
2 saying she was captive born?

3 A. I believe I was looking at export  
4 permits.

5 Q. And in paragraph 2 it says, "The Asian  
6 elephant known as Nicole, currently on Ringling  
7 Brothers' blue unit, born in 1976 is one of the  
8 six Asian elephants that was imported into the  
9 U.S. as part of this transaction." Do you see  
10 that?

11 A. Yes.

12 Q. And according to your testimony, the  
13 other five elephants that would have been referred  
14 to in paragraph 2, actually both paragraph 1 and  
15 paragraph 2 of Mr. Sowalsky's affidavit would have  
16 been as I understand it Icki, Alana, Banko, Siam  
17 and Babe; is that correct?

18 A. Yes.

19 MS. MEYER: I'd like to have another  
20 exhibit marked.

21 (FEI Deposition Exhibit No. 9 was marked for  
22 identification.)

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1 MS. MEYER: For the record, I have  
2 handed you an exhibit marked Exhibit 9, which is  
3 also a document that was produced by defendant in  
4 this case. It has a Bates label of Feld 0005378.  
5 I'll have you take a look at that?

6 A. (The witness complies.) Yes.

7 BY MS. MEYER:

8 Q. And this is the American Association  
9 of Zoo Veterinarian, Standard House Certificate.  
10 Do you see that?

11 A. Yes.

12 Q. And in the left-hand corner part of it  
13 is chopped off but it appears it says owner L.  
14 Ruhe. Do you see that?

15 A. Yes.

16 Q. And then it says consignee, Ringling  
17 Brothers and Barnum & Bailey Circus. Do you see  
18 that?

19 A. Yes.

20 Q. And it's dated November 9, 1980. Do  
21 you see that?

22 A. Yes.

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1 Q. So this appears to be a document that  
2 is, was executed in connection with the  
3 transaction that was spoken of in Mr. Sowalsky's  
4 affidavit, which was marked as Exhibit 8; is that  
5 correct?

6 A. Yes.

7 Q. And on the very left side of the  
8 document there is a column that looks to have the  
9 names of the six elephants who were imported or  
10 were purchased by Ringling Brothers through  
11 Mr. Ruhe; is that correct?

12 A. Yes.

13 Q. And they have the names Jenue, Jebju,  
14 Wimsalin, Soluma, Winmiasada and Solladaun. Do  
15 you see that?

16 A. Yes.

17 Q. Do you know which one of those would  
18 have been Nicole?

19 A. I wouldn't have tried to pronounce  
20 them for the all money in China. No.

21 Q. But these would appear to be the six  
22 elephants that Mr. Ruhe arranged to get to



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1 Ringling Brothers; is that correct, in 1980?

2 A. Yes.

3 Q. And then so one of these elephants  
4 would be Nicole then, correct?

5 A. Yes.

6 Q. Then you see in the middle the third  
7 column in it says physical description and it has  
8 the ages of the elephants?

9 A. Yes.

10 Q. And I think you said Nicole would have  
11 been about four years old. I think you said she  
12 was born in 1976, right?

13 A. Yes.

14 Q. So I see there are several, four of  
15 the elephants look like they were about four years  
16 old. Do you see that?

17 A. Yes.

18 Q. So she's probably either Wimsalin,  
19 Sokuma, Winmiasada or Solladaun, correct?

20 A. I'm not sure.

21 Q. And you see at the bottom of that  
22 column it says all elephants have star-shaped

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1 brands bilaterally on dorsal buttocks. Do you see  
2 that?

3 A. Yes.

4 Q. So that indicates that all six of  
5 these elephants would have a star-shaped brand on  
6 their buttock; is that correct?

7 A. That's what it indicates.

8 Q. Does Nicole have a star-shaped brand  
9 on her buttock?

10 A. No.

11 Q. Do you know was it removed by Ringling  
12 Brothers?

13 A. No.

14 Q. So if Nicole doesn't have a  
15 star-shaped brand on her buttock, it means she's  
16 probably not one of these six elephants then,  
17 correct?

18 MS. JOINER: Objection to form.

19 A. She is one of the six. She just does  
20 not have a star.

21 BY MS. MEYER:

22 Q. So was there an additional elephants

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1 then, that's not accounted for in this document?

2 A. No.

3 Q. Do you see the bottom of the document  
4 there's a signature and a name?

5 A. Yes.

6 Q. And it appears to be a veterinarian  
7 Daniel C. Laughlin?

8 A. Yes.

9 Q. Do you have any idea who that person  
10 is?

11 A. Yes.

12 Q. Who is that?

13 A. At that time, he was a Ringling  
14 Brothers veterinarian.

15 Q. He signed this document, correct?

16 A. That appears to be his signature. I  
17 couldn't swear to it.

18 Q. Do you have any idea why the  
19 veterinarian would sign a document saying all of  
20 the elephants have a star-shaped brand on their  
21 buttock if, in fact, one of them did not?

22 A. I do not know.

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1 Q. Are there other elephants owned by  
2 Feld Entertainment that have star-shaped brands on  
3 their buttocks?

4 A. What do you mean other elephant?

5 Q. Are there elephants owned by Feld  
6 Entertainment that have star-shaped brands on  
7 their buttocks?

8 A. Yes.

9 Q. Who are they?

10 A. Banko, Siam and Icki II.

11 Q. Were there any other elephants ever  
12 owned by Feld Entertainment that had star-shaped  
13 brands on their buttocks?

14 A. Babe.

15 Q. What about Alana?

16 A. No.

17 Q. Anyone else?

18 A. No.

19 Q. So if Alana was also one of the six  
20 elephants listed on Exhibit 9, it would also be  
21 incorrect to say that she had a star-shaped brand  
22 on her buttocks; is that correct?

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1 A. She doesn't have one.

2 Q. So just to be clear, so this document,  
3 Exhibit 9, is incorrect when it says that all six  
4 of the elephants who Ringling Brothers obtained  
5 through Mr. Ruhe had a star-shaped brand on their  
6 buttocks; is that correct?

7 A. Obviously.

8 Q. Okay. I want to talk about the  
9 elephant Jewell. Are you familiar with Jewell?

10 A. Yes.

11 Q. And Jewell was born in 1951; is that  
12 correct?

13 A. Give or take a year.

14 Q. And she was born in India; is that  
15 also correct?

16 A. That's what the import papers say.

17 Q. And she was born in the wild; is that  
18 correct?

19 A. Probably. But there's no way of  
20 knowing.

21 Q. Do you know what country she's from?

22 A. India.

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1 Q. And do you know when Ringling Brothers  
2 obtained her?

3 A. 1954.

4 Q. So she was about three years old when  
5 Ringling Brothers got her; is that correct?

6 A. Probably.

7 Q. And Jewell is currently at the CEC; is  
8 that correct?

9 A. Yes.

10 Q. And how long has she been at the CEC?

11 A. I don't know. She's like Nicole.  
12 She's been there twice.

13 Q. How long has she been there since she  
14 got there this time?

15 A. I'm not sure.

16 Q. According to my records, she got there  
17 in about September of '06. Does that comport with  
18 your knowledge?

19 A. That might be about right.

20 Q. And the other time that I have  
21 according to my records that she was at the CEC  
22 was between January 15, 2003 and December of 2005.

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1 Does that comport with your knowledge?

2 A. I'm not sure the exact dates but it  
3 was similar years.

4 Q. And other than that, she was on the  
5 blue unit; is that correct?

6 A. Yes.

7 Q. So how long was she actually on the  
8 blue unit?

9 A. Well, technically she was on the blue  
10 unit from 1969 on.

11 Q. Until the first time she went to the  
12 CEC, which according to my records was 2003; is  
13 that about right?

14 A. Yes.

15 Q. So she was on the blue unit from 1969  
16 until some time in 2003, correct?

17 A. Yes.

18 Q. Then when she when back on the road  
19 she went back to the blue unit; is that correct?

20 A. Yes.

21 Q. So she was on the blue unit, according  
22 to my records and tell me if I'm wrong, between

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1 December of '05 and September of '06, does that  
2 comport with your knowledge?

3 A. I would have to look it up.

4 Q. But is that around the time frame that  
5 you think she would have been on the blue unit?

6 A. Probably.

7 Q. At some point in time, was there some  
8 consideration of Jewell going to the Gulf Breeze  
9 Zoo?

10 A. Yes.

11 Q. Can you tell me about that?

12 A. There was a zoo benefactor up there  
13 that their son really liked elephants and this  
14 wealthy gentleman was going to build a facility  
15 and we were going to supply them with several  
16 retired elephants.

17 Q. Where is the Gulf Breeze Zoo?

18 A. In Gulf Breeze.

19 Q. Is that in Florida?

20 A. Yes. Florida.

21 Q. What part of Florida is it?

22 A. The Pan Handle.



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1 Q. And what was the name of this  
2 benefactor?

3 A. I do not know.

4 Q. Did this actually come to pass that  
5 Ringling Brothers supplied this entity with some  
6 elephants?

7 A. No.

8 Q. Why not?

9 A. They did not build the exhibit.

10 Q. Do you remember which other elephants  
11 Ringling Brothers was considering providing to the  
12 Gulf Breeze Zoo?

13 A. Zina.

14 Q. Any others?

15 A. No.

16 Q. And are you familiar with the elephant  
17 named Lutzi?

18 A. Yes.

19 Q. And Lutzi was born in 1950; is that  
20 correct?

21 A. Probably.

22 Q. And she was also born in India; is

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1 that correct?

2 A. Yes.

3 Q. And she was also born in the wild; is  
4 that correct?

5 A. As far as we know.

6 Q. When did she go to Ringling Brothers?

7 A. 1954.

8 Q. So she was about four years old when  
9 she went to Ringling Brothers; is that correct?

10 A. Yes.

11 Q. And she's currently at the Center for  
12 Elephant Conservation, correct?

13 A. Yes.

14 Q. And how long has she been there?

15 A. I don't know, a couple of years. I'm  
16 not sure exactly when.

17 Q. According to my records, she arrived  
18 at the CEC in January of 2005. Does that comport  
19 with your knowledge?

20 A. A couple of years. Yes.

21 Q. And prior to that time, was she on the  
22 blue unit?

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1 A. From '69 on.

2 Q. So from 1969 until about January of  
3 2005, she was on the blue unit; is that correct?

4 A. Yes.

5 Q. Did she ever spend any time at  
6 Williston as far as you know?

7 A. Yes. She was at Williston for a  
8 period of time before the CEC was built but I  
9 don't remember the exact dates.

10 Q. Did you spend time at Williston before  
11 you went to the CEC?

12 A. Yes.

13 Q. What was your position at Williston?

14 MS. JOINER: Objection to form.

15 A. I worked a coupe of winters as a  
16 handler and then when the CEC was to be built, I  
17 went in there and waited to come down to the  
18 Center.

19 BY MS. MEYER:

20 Q. How long did you work at Williston?

21 A. About a year and a half.

22 Q. What year are we talking about or what

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1 time frame?

2 MS. JOINER: Objection to the form.

3 A. I came in in February, the last of  
4 February of the year of the train wreck, whatever  
5 year that was. I can't remember. '94 or '93.  
6 '94.

7 BY MS. MEYER:

8 Q. And Lutzi was at Williston when you  
9 were there; is that what you said?

10 A. She was there was for a while. Yes.

11 Q. What is Williston, just for the  
12 record?

13 A. It's a retirement facility.

14 Q. Owned by Feld Entertainment?

15 A. Yes.

16 Q. Are you familiar with the elephant,  
17 Mysore?

18 A. Yes.

19 Q. And Mysore was born in 1946; is that  
20 correct?

21 A. Probably earlier. She came in by ship  
22 in 1947, so they normally were larger than a year

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1 old.

2 Q. When you said she came in by ship,  
3 came where?

4 A. India.

5 Q. And when did Ringling Brothers acquire  
6 her?

7 A. I think I stated that in a previous  
8 deposition and now I can't remember.

9 Q. Was it about 1986?

10 A. That sounds about right.

11 Q. Who did Ringling Brothers get her  
12 from?

13 A. A guy named Tony Diano.

14 Q. Who is that?

15 A. He was a construction worker that owns  
16 some elephants, a construction company that owns  
17 some elephants in Ohio.

18 Q. Was the name of his company Diamond  
19 Ranch?

20 A. I believe it was called that. Yes.

21 Q. And did Ringling Brothers purchase  
22 Mysore from Tony Diano?

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1 A. As far as I know. Yes.

2 Q. Do you know how much Ringling Brothers  
3 paid for Mysore?

4 A. I'm not sure.

5 Q. Do you know how long Mysore has been  
6 at the CEC?

7 A. Probably about a year or a little  
8 more.

9 Q. According to my records, she arrived  
10 at the CEC in late August of '06. Does that  
11 comport with your knowledge?

12 A. Was it August? That would be about  
13 right, I guess.

14 Q. So she's been at the CEC since then;  
15 is that right?

16 A. Yes.

17 Q. Prior to being at the CEC, did Mysore  
18 spend time on the blue unit?

19 A. Yes.

20 Q. How long was she on the blue unit?

21 A. I'm not sure how long she was on it.

22 Q. Do you have any idea how long she was

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1 on the blue unit?

2 A. I'm not sure.

3 Q. According to inventory records that  
4 were supplied by the defendant in this case, she  
5 was on the blue unit from January of 1994 until  
6 March 9th of 2006. Does that comport with your  
7 knowledge?

8 A. I know she was there quite a while.

9 Q. And Mysore also spent some time on the  
10 gold unit; is that correct?

11 A. Yes.

12 Q. When was that?

13 A. Before he came back into the CEC.

14 Q. Just prior to coming to the CEC?

15 A. Correct.

16 Q. Do you know how long she was on the  
17 gold unit?

18 A. I cannot remember.

19 Q. Do you know who handles her on the  
20 gold unit?

21 A. Billy Morris.

22 Q. Is Billy Morris a Feld Entertainment

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1 employee?

2 A. He was.

3 Q. When did he leave Feld Entertainment?

4 A. I think several months after Mysore  
5 came back. I'm not sure when.

6 Q. Several months after Mysore came back  
7 in where?

8 A. To the CEC.

9 Q. Did any other person handle Mysore  
10 when she was on the gold unit?

11 A. His wife, Libby.

12 Q. Mr. Morris' wife --

13 A. Yes.

14 Q. -- Libby. Is it Libby Morris?

15 A. You know, I'm not sure if they're  
16 married or not.

17 Q. Anybody else handle Mysore when she  
18 was on the gold unit?

19 A. I'm not sure.

20 MS. MEYER: I'd like you to take a look  
21 at another document. I'll have it marked as an  
22 exhibit.



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1 (FEI Deposition Exhibit No. 10 was marked for  
2 identification.)

3 MS. MEYER: You've been handed a  
4 document that's been marked Exhibit 10, Mr.  
5 Jacobson. And for the record, it's a document  
6 that was produced by defendant in this case and it  
7 has a Bates label Feld 0005350. Have you had a  
8 chance to look at that document?

9 A. Yes.

10 Q. And this is also a Cites permit, is it  
11 not?

12 A. Yes.

13 Q. And you see the issuing date is  
14 7/29/1986 at the top?

15 A. Yes.

16 Q. At the top right part of the document?

17 A. Yes.

18 Q. Okay. And if you look down in the  
19 middle column where the elephants are described,  
20 there's an entry for Mysore, it's the second one  
21 from the bottom of that column. Do you see that?

22 A. Right.

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1 Q. And it indicates in the that column  
2 that Mysore was born in 1946; is that correct?

3 A. Probably not and the reason I say that  
4 is they were imported in 1947 and they came by  
5 ship, so they had to be able to sustain themselves  
6 on hay, so they were probably three or four years  
7 old.

8 Q. You totally lost me on that answer.  
9 Could you explain that to me again?

10 A. In later years, they flew young  
11 elephants over by airplane. In years past when  
12 they came by ship, the elephants had to be older  
13 to be able that to make such a voyage.

14 Q. Because it was a long voyage?

15 A. Yes.

16 Q. I see. So what does that have to do  
17 with the date that's down here?

18 A. Well, see, it says that she was born  
19 in '46. It was probably several years earlier  
20 than that when the elephant was born.

21 Q. Oh, so you think Mysore was born prior  
22 to 1946; is that correct?

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1 A. That would be more than likely true.

2 Q. This is a document that was prepared  
3 by Ringling Brothers; is that correct?

4 MS. JOINER: Objection to form.

5 A. Yes. But most of the dates of the  
6 preact elephants were just kind of hearsay.  
7 Accurate records were not necessarily kept as  
8 where they are now.

9 So if our company was told that the elephant  
10 was born in '46, we would have no reason to  
11 dispute that. I just see they're no different,  
12 that's all

13 MS. MEYER. Okay. I appreciate that.  
14 I'm just trying to make sense of these documents,  
15 that's all, that's why I'm asking the questions.  
16 And I have one more which I'd like to have marked  
17 as an exhibit. Let's take a break and then I can  
18 figure this out.

19 THE VIDEO OPERATOR: This marks the end  
20 of videotape 1 of the deposition of Gary Jacobson.  
21 Going off the record. The time is 11:08 a.m.

22 This marks the beginning of videotape No. 2

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1 of the deposition of Gary Jacobson representing  
2 Feld Entertainment. Going back on the record.  
3 The time is 11:15 a.m.

4 MS. MEYER: I want to have another  
5 document marked as an exhibit.

6 (FEI Deposition Exhibit No. 11 was marked for  
7 identification.)

8 MS. MEYER:

9 Q. And for the record, this is also a  
10 document that was produced by the defendants in  
11 this case and it has a Bates label of Feld 0005335  
12 through 0005337. And I ask you to take a look at  
13 that?

14 A. (The witness complies.)

15 BY MS. MEYER:

16 Q. Have you had a chance to look at it?

17 A. Yes.

18 Q. And this is also a Cites permit; is  
19 that correct?

20 A. Yes.

21 Q. And on the first page of the document  
22 you see that the issuing date is 6/14/1999 it's in

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1 the middle of the page?

2 A. Yes.

3 Q. And this is a permit that was issued  
4 to Feld Entertainment; is that correct?

5 A. Yes.

6 Q. And can you tell from the document  
7 what this permit was issued for?

8 A. A trip to Canada.

9 Q. It was issued by the Fish and Wildlife  
10 Service to allow Feld Entertainment to take some  
11 elephants into Canada; is that correct?

12 A. Yes.

13 Q. And if you go to the very last page of  
14 the document where there's a list of elephants.  
15 Do you see that?

16 A. Yes.

17 Q. And Mysore is in the middle of the  
18 page. In the first column, it says Mysore. Do  
19 you see that?

20 A. Yes.

21 Q. And under the column date of birth it  
22 says 1950. Do you see that?

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1 A. Yes.

2 Q. And what would be the explanation for  
3 that, having a birth date of 1950 for Mysore on  
4 this document?

5 A. My opinion is it's just an error,  
6 that's all.

7 Q. But this is based on information  
8 that's provided to the Fish and Wildlife Service  
9 by Feld Entertainment; is that correct?

10 MS. JOINER: Objection to form.

11 A. Could you repeat that, please.

12 BY MS. MEYER:

13 Q. This document is based on information  
14 that is obtained by Feld Entertainment, it's  
15 provided by Feld Entertainment to the Fish and  
16 Wildlife Service; is that correct?

17 A. Yes.

18 Q. So if there's an error with respect to  
19 the date that's given for the date of birth for  
20 Mysore, it's an error that was made by Feld  
21 Entertainment; is that correct?

22 A. Yes. I would assume so.

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1 Q. Okay. Thank you. I want to talk  
2 about the elephant named Susan. Are you familiar  
3 with Susan?

4 A. Yes.

5 Q. And Susan was born in 1951; is that  
6 correct?

7 A. Probably.

8 Q. And she -- what country is she from?

9 A. India.

10 Q. And she was also from the wild; is  
11 that correct?

12 A. Probably.

13 Q. And when did Ringling Brothers obtain  
14 Susan?

15 A. 1954.

16 Q. So she was about three years old when  
17 Ringling Brothers obtained her?

18 A. Yes.

19 Q. And she has been used on the blue  
20 unit; is that correct?

21 A. From '69 on. Yes.

22 Q. From '69 until when was she on the

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1 blue unit, do you know?

2 A. I cannot remember when she came off.

3 Q. She's currently at the CEC though; is  
4 that correct?

5 A. Yes.

6 Q. Do you know when she got to the CEC?

7 A. No, I do not.

8 Q. Has she been to the CEC before in  
9 prior yours?

10 A. I believe we brought her there once  
11 before.

12 Q. And she did a stint at the CEC and  
13 then she went become out on the blue unit; is that  
14 correct?

15 A. Yes.

16 Q. So she was on the blue unit from  
17 1954 -- I'm sorry. Give me the years she was on  
18 the blue unit?

19 A. She came in in 1954 and there was only  
20 one unit until '69.

21 Q. I'm sorry. 1969. So from 1969 she  
22 was on the blue unit. According to my records,



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1 she was on the blue unit until July of '01. Does  
2 that comport with your knowledge?

3 A. She's been there that long. I'm not  
4 sure.

5 Q. Do you remember when she first was  
6 transferred to the CEC?

7 A. No.

8 Q. Do you remember how long she stayed at  
9 the CEC the first time she was transferred there?

10 A. No, I do not.

11 Q. According to my records, she was  
12 transferred to the CEC on July 21st of 2001 and  
13 stayed at the CEC until November 28, 2003. Does  
14 that comport with your knowledge?

15 A. I'm not sure.

16 Q. Do you remember her being at the CEC  
17 around that time, though?

18 A. I remember her coming in and going  
19 back. Yes.

20 Q. Around that time frame, 2001 to 2003?

21 A. That sounds about right.

22 Q. And then she went back to the blue

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1 unit around November of 2003 until December of  
2 2005, was that correct?

3 A. I know she was in, then back out, then  
4 back in.

5 Q. I'm trying to get and sense of time  
6 periods.

7 A. I'm not sure exactly when. I have to  
8 look it up.

9 Q. How would you look that up? How would  
10 you look it up?

11 A. Animal census medical records.

12 Q. So you didn't look at any of those in  
13 connection with this deposition?

14 A. No.

15 Q. If I told you that I looked at the  
16 animal census that Ringling Brothers provided and  
17 it said that Susan was back on the blue unit  
18 between 11/18/03 and 12/18/05, does that seem to  
19 be correct information to you?

20 A. If that's what it says, it should be  
21 correct.

22 Q. All right. And the last elephant I

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1 want to talk about is Zina. Are you familiar with  
2 Zina?

3 A. Yes.

4 Q. And Zina was born in 1961; is that  
5 correct?

6 A. I do not know.

7 Q. Do you have any idea when she was  
8 born?

9 A. She's probably a bit older than that.

10 Q. Do you know how old she is?

11 A. I do not know for sure. No.

12 Q. Now, when did Ringling Brothers obtain  
13 Zina?

14 A. It was '71 or -- 1971 or 1972. I'm  
15 not sure exactly which.

16 Q. And who did Ringling Brothers obtain  
17 Zina from?

18 A. Some people called the  
19 Chipperfields -- no the Smarts. I'm sorry. Billy  
20 Smart Circus.

21 Q. And where is Billy Smart Circus?

22 A. It was in England.

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1 Q. Was Zina performing with that circus?

2 A. Yes.

3 Q. So do you know how old Zina was when  
4 she was obtained by Ringling Brothers from Billy  
5 Smart Circus?

6 A. No. I think I believe the records say  
7 10, but I think she was older than that. I first  
8 saw her in 1973 and she was certainly older than  
9 11 or 12 years old.

10 Q. How old do you think she was?

11 A. Probably 17 or 18.

12 Q. What do you base that on?

13 A. Size and the group that she was with.

14 Q. Has Zina spent time on the blue unit?

15 A. Yes.

16 Q. From when?

17 A. I'm not sure.

18 Q. Do you have any idea?

19 A. I would have to look it up.

20 Q. All right. Do you know if she would  
21 have been put on the blue unit in 1973 when  
22 Ringling Brothers first obtained her?

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1 A. No. When she first traveled on the  
2 blue unit, it was the fall of 1977.

3 Q. Okay. How do you know that?

4 A. I was there.

5 Q. And how long was she on the blue unit  
6 after the fall of 1977?

7 A. She was there '78 and '79 and then --

8 Q. And then after that, where did she go?

9 A. The Circus World Theme Park.

10 Q. The Circus World Theme Park. And  
11 where is that?

12 A. It was right on the corner of Maple  
13 and Main. It was on the corner of highway 27 and  
14 the US, and interstate 4.

15 Q. In Florida?

16 A. Right. In Florida.

17 Q. How did she go from Ringling Brothers  
18 to Circus World Theme Park?

19 MS. JOINER: Objection to form.

20 A. They swapped groups of elephants.

21 BY MS. MEYER:

22 Q. Who swapped groups of elephants?

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1 A. Feld Entertainment.

2 Q. Feld Entertainment swapped elephants  
3 with whom?

4 A. Themselves.

5 Q. Can you explain that to me?

6 A. They had two traveling shows and three  
7 groups of elephants, so they made a change for two  
8 years and they changed it back.

9 Q. Do you know who Zina was swapped for?

10 A. There was 20 elephants that went into  
11 the park and the 18 or so that were in there came  
12 out to the show.

13 Q. I see. And what was the Circus World  
14 Theme Park?

15 A. A theme park with a circus motif.

16 Q. Can you describe it more to me? Give  
17 me more of a description than that?

18 MS. JOINER: Objection to form.

19 A. It was built by Feld Entertainment and  
20 it has a circus-style show and a group of  
21 elephants and lions and/or tigers and.

22 BY MS. MEYER:

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1 Q. How is it different than the Ringling  
2 Brothers -- the other Ringling Brothers show at  
3 that time?

4 A. It was stationary.

5 Q. I see. So it was not a traveling?

6 A. No. No. No. It was a park, a theme  
7 park.

8 Q. And how long was Zina at the Circus  
9 World Theme Park?

10 A. I do not know.

11 Q. Any of the other seven elephants,  
12 other six elephants we've been talking about today  
13 go to the Circus World Theme Park during that  
14 time?

15 A. Lutzi, Susan and Jewell and Karen.

16 Q. Do you know how long those elephants  
17 were at the Circus World Theme Park?

18 A. Two years.

19 Q. So Lutzi, Susan, Jewell, Karen and  
20 Zina were all at the Circus World Theme Park  
21 between 1978 and 1979? No.

22 A. No. When Zina was on the road on the

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1 blue show in 1978 and '79, the other elephants  
2 were off the blue show and into the park.

3 Correct.

4 Q. I see. Okay.

5 A. So they were there two years.

6 Q. All right. So Lutzi, Susan, Jewell  
7 and Karen were at the Circus World Theme Park  
8 during which years?

9 A. '78 and '79.

10 Q. Then when Zina went to the Circus  
11 World Theme Park, did Lutzi, Susan and Jewell and  
12 Karen go back to the blue unit?

13 A. Back to the blue unit. Yes.

14 Q. Who were the handlers at the Circus  
15 World Theme Park, the elephant handlers?

16 A. When it started in 1974, the gentleman  
17 in charge was Bill Woodcock.

18 Q. Is that Buckles Woodcock?

19 A. Yes. And Scott Riddle was there?

20 Q. Scot Riddle?

21 A. Yes. Ben Williams and myself and a  
22 couple of other guys that we had kind of joined



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1 out in the process.

2 Q. That you kind of what?

3 A. Had hired in the process.

4 Q. Do you remember any of their names?

5 A. Bill Bouthillier.

6 Q. Bill?

7 A. Bouthillier.

8 Q. How do you spell that?

9 A. B-O-U-T-H-I-L-L-I-E-R.

10 Q. Okay.

11 A. Tom Hafner.

12 Q. Is that H-A-F-F-N-E-R?

13 A. I think one F. And later there was Ted  
14 Svertesky?

15 Q. How do you spell Ted Svertesky's last  
16 name?

17 A. S-V-E-R-T-E-S-K-Y.

18 Q. Is this the same Ted Svertesky that  
19 you identified when I interviewed you, when I  
20 deposed you earlier who was in one of the tapes of  
21 a birth of an elephant?

22 A. Yes.

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1 Q. Okay. Is this also the same  
2 individual who was killed in the train wreck that  
3 you referred to?

4 A. Yes.

5 Q. Do you remember any other handlers at  
6 the Circus World Theme Park?

7 A. Mike Aria.

8 Q. Aria?

9 A. Aria.

10 Q. Okay. Who else?

11 A. Wayne Dedham. Chris Shacht.

12 Q. Shacht?

13 A. Shacht, S-H-A-C-H-T.

14 Q. Okay.

15 A. Axel Gautier, Suni Ridley, Darryl  
16 Atkinson, a guy named Ziggy.

17 Q. Ziggy?

18 A. Yes. I can't remember his last name.  
19 Frans Tish.

20 Q. T-I-S-H?

21 A. Yes. And I think that's about all I  
22 can ridge out.

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1 Q. That's pretty good. How long was the  
2 Circus World Theme Park in operation?

3 A. From '74 to '85 or '86.

4 Q. Some of the handlers who worked at the  
5 Circus World Theme Park also worked on the blue  
6 unit; is that correct?

7 A. Yes.

8 Q. Can you tell me which of the handlers  
9 you've named also worked on the blue unit? Did  
10 Buckles Woodcock work on the blue unit?

11 A. Yes.

12 Q. When did he work on the blue unit?

13 A. '78 and '79.

14 Q. Would he have handled all of the  
15 elephants who were on the blue unit at that point  
16 in time?

17 A. Yes. But it was a group that he put  
18 together. It wasn't the blue unit elephants that  
19 we're talking about now.

20 Q. Okay. It was a different group of  
21 elephants?

22 A. Yes.

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1 Q. It wasn't any of the seven that we're  
2 talking about today?

3 A. Zina would be the only one.

4 Q. All right. What about Axel Gautier,  
5 would he have handled any of the blue unit  
6 elephants?

7 A. Yes.

8 Q. Would he have handled any -- let's do  
9 it this way: Would he have handled any of the  
10 seven elephants that we're speaking of today, and  
11 by those elephants, I mean Karen, Nicole, Zina,  
12 Jewell, Susan, Mysore and Jewell?

13 A. I don't think he handled Zina but all  
14 the rest of them.

15 MS. JOINER: Before you ask another  
16 question, do you want to open one of your notices  
17 here with the list so he can look at the list when  
18 you say the seven? I mean --

19 MS. MEYER: I think he knows them.  
20 That's up to you. Would that help you. You know  
21 which seven I'm talking about.

22 A. Sure.

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1 MS. MEYER: Would you like to see the  
2 list, that would be great. That would be fine.

3 MS. JOINER: That's just the list but  
4 that might help streamline things a bit.

5 MS. MEYER: That's fine.

6 BY MS. MEYER:

7 Q. So we were talking about Axel Gautier  
8 handling, which of the blue unit elephants has  
9 he's handled?

10 A. I believe all of them except Zina. I  
11 don't think he had anything to do with Zina.

12 Q. What about Suni Ridley, which of the  
13 seven elephants has Suni Ridley handled?

14 A. All of them but Zina. Well, he  
15 handled Zina, too, but at a later date.

16 Q. Did Axel Gautier handle Zina at a  
17 later date?

18 A. No. I do not think so. Let me  
19 rephrase that.

20 Q. What about Scott Riddle, which of the  
21 seven elephants has Scott Riddle handled?

22 A. I believe only Zina in that group.

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1 Q. I think the record is getting a little  
2 unclear here. When I'm asking you about these  
3 individuals, let's not confine the time period I'm  
4 asking you about to the Circus World Theme Park or  
5 for the 1970s. I want to talk about if you know  
6 if any of these handlers have ever handled any of  
7 these seven elephants. Do you understand that?

8 A. Yes. And that was not referring in  
9 there was Zina because Scott and Zina were in a  
10 different place.

11 Q. I'm sorry. You lost me on that one.

12 A. I was already doing what you asked.

13 Q. Okay. Great. I just wanted to be  
14 clear. So when I asked you if Scott Riddle has  
15 handled any of the seven elephants, I'm sorry,  
16 what is the answer?

17 A. I believe the only one would be Zina.

18 Q. When did he handle Zina?

19 A. I believe it was for a Disney parade  
20 in 1985 or '86.

21 Q. Was it just a one-shot deal?

22 A. Like 10 weeks, something like that.

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1 Q. And when did Mr. Woodcock handle any  
2 of the seven elephants?

3 A. He would have handled Zina from  
4 December of '73 until November of '79, then, that  
5 would have been Zina. Then he would have been  
6 back around Karen, Nicole, Lutzi, Susan, Jewell,  
7 Zina and Mysore, if the record shows that Mysore  
8 was on the show in the same year that Ted  
9 Svertesky got killed. When Ted got killed, Bill  
10 Woodcock came over and took over the blue show  
11 elephants.

12 Q. How long was Woodcock at the blue  
13 show?

14 A. About a season and a half.

15 Q. So that would be about a year and a  
16 half?

17 A. Roughly.

18 Q. Do you know when Ted got killed?

19 A. I think it was January 13, 1994, I  
20 think.

21 Q. What about Ben Williams. Which of the  
22 seven elephants would he have handled and when?

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1 A. Ben would only have been around Zina.

2 Q. During what period of time?

3 A. 1974 until 1976 probably.

4 Q. Okay. What about -- sorry?

5 A. Then again, back around Zina again in  
6 late in '77 through '79 then that would have been  
7 it for him.

8 Q. And that would have been?

9 A. That's it. He wouldn't have been  
10 around any of the rest of them.

11 Q. And what about Mr. Hafner, Tom Hafner,  
12 when would he have handled any of these seven  
13 elephants?

14 A. He would have been around Zina in 1974  
15 and then from '74, I believe, through 1979. And  
16 then --

17 Q. I'm sorry. We're still talking about  
18 Zina?

19 A. Just Zina. And then he would have  
20 worked for Axel at some time, I'm not sure,  
21 probably in the '70s or early '80s, and he would  
22 have been around Karen, Nicole, Lutzi, Susan and



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1 Jewell. I don't think Mysore was there. No. I  
2 didn't know Mysore then and Zina was not on the  
3 show then.

4 Q. Okay.

5 A. Then he vanished and Ted Svertesky  
6 brought him back in the fall of 1993 to go back  
7 with him on the blue show. So he would have been  
8 on the blue show late in '93, all of '94 and about  
9 half of '95.

10 Q. So whichever of the elephants were on  
11 the blue show during that period of time, would  
12 have been handled by Mr. Hafner; is that correct?

13 A. Karen, Nicole, Lutzi, Mysore, Zina and  
14 Jewell because Mysore wouldn't have been there  
15 then.

16 Q. What about, I'm not sure we completely  
17 covered Ted Svertesky. Which of the seven  
18 elephants would he have handled and when?

19 A. He would have been around Zina with  
20 the Circus World group and probably from 197 -- he  
21 was there about six months in the early, mid '70s,  
22 then he left, I don't know when the dates were and

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1 then he came back in 1976, I believe and he stayed  
2 through '77 and '78 then he left.

3 But then -- and at that time he was not  
4 around Jewell, Susan, Mysore, Lutzi, Nicole or  
5 Karen he was not around them. He was around Zina.  
6 Then he ended up with the remains, the left over  
7 elephants from the third herd. Ted ended up with  
8 them and Zina would have been part of that group.

9 Q. Okay.

10 A. Then he built the facility at  
11 Williston and moved the group there.

12 Q. And that's when Zina went to  
13 Williston?

14 A. That's when Zina went to Williston and  
15 then later she went back on the show?

16 Q. Do you know when that was that he took  
17 Zina to Williston?

18 A. I think that was 1986, I believe. '85  
19 or '86.

20 Q. All right.

21 A. And then when he went to the blue show  
22 in the fall of '94, he would have been back around

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1 all of his elephants again, including Zina. I  
2 think '94. Actually, late in '93.

3 Q. Okay. What about Ben Williams, which  
4 elephants would he have handled and when?

5 A. Zina.

6 Q. Is that it?

7 A. He worked for me for a short time at  
8 the CEC, but I don't think he ever did anything  
9 with Susan or Mysore or any of those elephants.  
10 He was just hired in to deal with the young ones.

11 Q. And when was that?

12 A. Three years ago.

13 Q. Can you be more precise on the dates?

14 A. He wasn't there very long. He was  
15 only there three or four months.

16 Q. Okay. So we're talking 2005?

17 A. The year of all the hurricanes. 2005.

18 Q. Why was he only there three or four  
19 months?

20 A. He left.

21 Q. Where did he go?

22 A. Back to his truck driving job.

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1 Q. You've obviously worked with all of  
2 these elephants, correct?

3 A. Yes. To a certain extent.

4 Q. Can you tell me the years that you  
5 worked with these elephants and where you worked  
6 with them?

7 A. I was around Zina from late '73 until  
8 late in '76, then back around her late in '77, all  
9 of '78, three months of '79 and I guess after Ted  
10 built the place in Williston, I would have been in  
11 there. I probably would have been around Mysore,  
12 Susan, and I think maybe Nicole was there at one  
13 time.

14 Q. This would have been in --

15 A. Well, the early '90s. I was in there  
16 working for the company in the wintertime is all.

17 Q. What were you doing?

18 A. Just taking care of the elephants,  
19 pretty much.

20 Q. And before we get to the next time  
21 period, the time you were working with Zina in the  
22 '70s that you've outlined, was when she was

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1 traveling in the show; is that correct?

2 A. At the theme park and traveling with  
3 the show.

4 Q. Okay. And when else would you have  
5 worked with any of these seven elephants?

6 A. Off and on since I came back to work  
7 for the company.

8 Q. I think we spoke earlier that you were  
9 on the blue unit in the late 1990s; is that  
10 correct?

11 A. Yes.

12 Q. So whichever of these elephants were  
13 on the blue unit in the late 1990s, you would have  
14 had some responsibility for handling them,  
15 correct?

16 A. I wouldn't necessarily say  
17 responsibility, but I may have been around them  
18 and handled one of them for any reason.

19 Q. And you obviously handled the  
20 elephants who are currently at the CEC, correct?

21 A. Yes.

22 Q. What about Mike Aria, which of the

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1 elephants has he handled?

2 A. Zina would be the only one.

3 Q. When would that you have been?

4 A. It would have been probably '74  
5 through '77.

6 Q. And what about Wayne Dedham?

7 A. He would have been around Zina in the  
8 mid '70s probably '75, '76, '77.

9 Q. What about Bill Bouthillier?

10 A. He was around Zina at the theme park.

11 Q. What year was that?

12 A. '74, '75 and then he left some time in  
13 the mid '70s and came back in the fall of 1977 and  
14 stayed until the summer of 1978.

15 Q. Came back where?

16 A. To the theme park, Circus World Theme  
17 Park.

18 Q. Did he work with any of the other  
19 elephants?

20 A. He worked for us in -- he was never on  
21 the road with the blue show. He worked for us in  
22 at the CEC but it was before the year 2000. I'm

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1 not sure if any of those elephants were there or  
2 not before the year 2000.

3 Q. Okay. What about Chris Shacht?

4 A. He was at Circus World. I'm not sure  
5 how long. In the mid '70s.

6 Q. So which elephants would he have been  
7 around?

8 A. Zina would have been the only one.

9 Q. Did he have some responsibility for  
10 handling Zina at some point?

11 A. He was a handler, so it's possible, I  
12 guess.

13 Q. Did he handle her at any other period  
14 of time?

15 A. Not that I'm aware of.

16 Q. He didn't handle any of the other  
17 elephants?

18 A. Not on that list. No.

19 Q. What about Suni Ridley?

20 A. Suni would have handled all of them.

21 Q. When would he have handled all of  
22 them. Just for the record, Suni Ridley is Robert

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1 Ridley; is that correct?

2 A. Yes. Whenever he came on the show  
3 which would have been a year or two before Karen  
4 probably?

5 Q. So --

6 A. He would have been there, I think,  
7 when Karen got there, when Nicole got there.

8 Q. I think you said Karen started on the  
9 show in 1969?

10 A. Right. I think Suni was already  
11 there.

12 Q. Mr. Ridley was already there in 1969?

13 A. I think so.

14 Q. So Mr. Ridley has been on the blue  
15 unit since 1969, correct?

16 A. Except for the two years he was at the  
17 theme park. Yes.

18 Q. And when was he at the theme park?

19 A. '78 and '79.

20 Q. So Mr. Ridley handled all of the seven  
21 elephants during the time they were on the blue  
22 unit; is that correct?



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1 A. Yes.

2 Q. And during any time they were at the  
3 theme park; is that correct?

4 MS. JOINER: Objection to the form.

5 A. Zina would not have been at the theme  
6 park, that would have come later when she migrated  
7 become to the blue show.

8 MS. MEYER: Okay. All right.

9 BY MS. MEYER:

10 Q. I'm not sure we covered Axel, so I  
11 want to go over him, Axel Gautier. Which of the  
12 seven elephants would he have handled and when?

13 A. I do not think he was around Zina, I  
14 think he was around all of the others.

15 Q. When was that?

16 A. I believe he came to the company in  
17 the early '60s, I believe, and I'm not sure if he  
18 ever was around Zina or not but I don't believe  
19 so.

20 Q. So which of the elephants would he  
21 have handled?

22 A. All of them but Zina as far as I know.

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1 Q. And from the early '60s until when  
2 would he have, what periods of time would he have  
3 handled these other elephants?

4 A. Until the early '90s.

5 Q. Do you know who Axel Gautier received  
6 his elephant training from?

7 A. Hugo Schmidt.

8 Q. Is Axel Gautier related to Mark  
9 Gautier?

10 A. I don't know Mark Gautier.

11 Q. And somebody named Atkinson, I didn't  
12 get the first name?

13 A. Darryl.

14 Q. Darryl Atkinson. When did he work  
15 with any of the seven elephants?

16 A. He would have been around Karen,  
17 Nicole, Lutzi, Susan and Jewell.

18 Q. When would that have been?

19 A. I'm not sure. I believe it would have  
20 been in the 1980s but I'm not exactly sure.

21 Q. When the elephants were on the show?

22 A. Yes.

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1 Q. Until when?

2 A. I don't know.

3 Q. Do you know who Scott Riddle received  
4 his elephant training from?

5 A. Probably Woodcock, Robert Smokey  
6 Jones.

7 Q. William Woodcock is Buckles Woodcock?

8 A. Yes.

9 Q. What's your basis for saying that?

10 A. Pardon?

11 Q. How do you know that that's who he got  
12 his training from?

13 A. Scott's a good friend of mine.

14 Q. Frans Tish?

15 A. Frans Tish.

16 Q. Frans Tish. When did Frans Tish work  
17 with any of these seven elephants?

18 A. I believe the only one he would have  
19 been around would have been Zina.

20 Q. And when would that have been?

21 A. That would have been in 1970 -- late  
22 in '79 after Woodcock left, Frans took over.

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1 Q. What about the individual named Ziggy.  
2 When did Ziggy work with any of these elephants?

3 A. He would have been around Karen,  
4 Nicole. No, not Nicole. Pardon me. Karen,  
5 Lutzi, Susan and Jewell. He was on the blue show  
6 in the mid '70s and he was at the theme park at  
7 least one year. I'm not sure about the second  
8 year.

9 Q. And do you know who Buckles Woodcock  
10 received his training from, his elephant training  
11 from?

12 A. William Woodcock, Sr.

13 Q. Is that the colonel?

14 A. The colonel.

15 Q. Do you know who Frans Tish received  
16 his training from?

17 A. I don't know.

18 Q. What about Darryl, do you know who  
19 trained him?

20 A. Axel Gautier.

21 Q. How about Ziggy, do you know who  
22 trained him --

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1 A. Axel Gautier.

2 Q. How about Suni, who trained him to be  
3 an elephant handler?

4 A. Hugo and Axel Gautier.

5 Q. Hugo Schmidt?

6 A. Hugo Schmidt. Yes.

7 Q. What about Chris Shacht, who trained  
8 him to be an elephant handler?

9 A. He spent some time around Bill  
10 Woodcock and I'm not sure who else. His parents  
11 own an elephant.

12 Q. When you say Bill Woodcock, there's  
13 two Bill Woodcocks, right?

14 A. Well, Buckles.

15 Q. Do you know if Buckles Woodcock gave  
16 Mr. Shacht any training on how to handle an  
17 elephant?

18 A. Yes.

19 Q. He did?

20 A. He would have. Yes.

21 Q. And what about Wayne Durham do you  
22 know who -- is that his name?

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1 A. Wayne Dedham. Yes. He was in the  
2 Circus World.

3 Q. Do you know who trained him to be an  
4 elephant handler?

5 A. Would have been Buckles Woodcock.

6 Q. And what about Mike Aria. Do you know  
7 who would have trained him to be an elephant  
8 trainer?

9 A. Buckles Woodcock.

10 Q. And who would have trained Bill  
11 Bouthillier?

12 A. Buckles Woodcock.

13 Q. What about Tom Hafner, who would have  
14 trained him?

15 A. Buckles Woodcock.

16 Q. What about Ben Williams, who would  
17 have trained him?

18 A. Buckles Woodcock. And I forgot  
19 actually I have two sons that were also at the  
20 theme park, Michael and Kevin.

21 Q. Michael and Kevin?

22 A. Gauthier.

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1 Q. Who would have trained Michael  
2 Gauthier?

3 A. Their father, Axel Gautier.

4 Q. And what was the other son's name?

5 A. Kevin.

6 Q. How long did Michael Gautier work at  
7 this theme park?

8 A. Two years.

9 Q. Did he ever work on the blue unit?

10 A. Yes.

11 Q. When did he work on the blue unit?

12 A. From the time he was born until his  
13 father got killed. I don't know how old he is but  
14 he was on the blue show for 20 years.

15 Q. Until about 1990, would you say --

16 A. I think that's --

17 Q. I'm sorry.

18 A. I think that's '91 but I'm not exactly  
19 sure.

20 Q. What about Kevin Gautier, when did he  
21 work for Feld Entertainment or Ringling Brothers?

22 A. His entire life also.

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1 Q. And was he on the blue unit as well?

2 A. Yes.

3 Q. When was he on the blue unit?

4 A. From the time he was born until his  
5 dad got killed.

6 Q. So also until about 1991?

7 A. Yes.

8 Q. And you said both of them would have  
9 been trained by Axel Gautier, correct?

10 A. Yes.

11 Q. Did we cover Darryl Atkinson? Who  
12 trained Darryl Atkinson?

13 A. Axel Gautier.

14 MS. MEYER: I need to take a break. So  
15 can we take a 10-minute break?

16 THE VIDEO OPERATOR: We are going off  
17 the record. The time is 12 p.m.

18 We're going on the record. The time is  
19 12:08 p.m.

20 BY MS MEYER:

21 Q. Mr. Jacobson, you mentioned a  
22 Mr. Keele in your testimony. Who were you



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1 referring to?

2 A. John Keele -- Michael Keele. I'm  
3 sorry. There is also a John Keele.

4 Q. Who is Michael Keele?

5 A. I believe he is in charge of the  
6 agents that are working for us.

7 Q. What's your basis for saying that?

8 A. I think his name is on the cover of  
9 the book.

10 Q. And when I was talking to you about  
11 Jewell, at one point you said she was technically  
12 on the blue unit in 1969. Do you remember that  
13 testimony?

14 A. Right.

15 Q. What did you mean by that?

16 A. In 1954 when she came over, there was  
17 one circus. In 1969 Feld Entertainment bought  
18 another show from Europe and brought it over, so  
19 now there were two shows, a different group of  
20 elephants.

21 So the elephants that were on Ringling  
22 Brothers and Barnum & Bailey are the ones that

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1 ended up on the blue unit, the blue show. The  
2 ones that came in were in the red show.

3 Q. And I just wanted to clarify, David  
4 Polke's position on the blue unit, his current  
5 position on blue unit?

6 A. He's the elephant superintendent.

7 Q. How long has he held that position?

8 A. Since the show closed in the fall.

9 Q. The fall of 2007?

10 A. In November. Yes. He was the animal  
11 superintendent and then he became the elephant  
12 superintendent.

13 Q. How long was he the animal  
14 superintendent of the blue unit?

15 A. I can't remember.

16 Q. So he was the animal superintendent  
17 until the fall of 2007; is that correct?

18 A. Yes.

19 Q. So he's got a new title; is that  
20 right?

21 A. Yes.

22 Q. So right now he's the elephant

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1 superintendent.

2 A. Yes.

3 Q. And what's the difference between  
4 those two positions?

5 A. The overall animal superintendent is  
6 kind of in charge of setting it all up and making  
7 sure everything goes in the right places, and  
8 theoretically, the tiger trainer, the horse  
9 trainer, the elephant superintendent would all  
10 report to the animal superintendent.

11 Q. And who was the elephant  
12 superintendent on the blue unit until Mr. Polke  
13 became the elephant superintendent?

14 A. Mike.

15 Q. Mike Hayward?

16 A. Mike Hayward.

17 Q. And how long was Mike Hayward the  
18 elephant superintendent?

19 A. Probably six months.

20 Q. What is Mike Hayward's current  
21 position on the blue unit?

22 A. He's resigned.

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1 Q. He resigned. When did he resign?

2 A. When the show closed in November.

3 Q. Do you know why he resigned?

4 A. He got married and became a farrier.

5 Q. A farrier? What do you mean by that?

6 A. Shoes horses.

7 Q. Where does he do that?

8 A. Northern California.

9 Q. Where in Northern California?

10 A. I believe it's San Jose.

11 Q. Did he stay as the elephant  
12 superintendent of the blue unit until the show  
13 closed in November of 2007?

14 A. Yes.

15 Q. And how long was Mike Hayward with the  
16 blue unit?

17 A. I believe seven years or six.

18 Q. I'm sorry?

19 A. Six or seven years.

20 Q. Now, what I want to do is ask you  
21 about some Ringling Brothers employees and ask you  
22 if you know them and ask you if you know when they

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1 may have worked with any of the seven elephants.

2 Okay. And the first one I have on my list is Gram  
3 Chipperfield? Do you know who Gram Chipperfield  
4 is?

5 A. Yes.

6 Q. Who is he?

7 A. He was a British tiger  
8 trainer/elephant presenter.

9 Q. And did he work for Feld Entertainment  
10 at one point?

11 A. Yes.

12 Q. When did he work for Feld  
13 Entertainment?

14 A. I'm not sure.

15 Q. Was he working for Feld Entertainment  
16 in 1997?

17 A. I believe he would have been. Yes.

18 Q. Was he working on the blue unit?

19 A. I'm not sure. He was on the red and  
20 the blue.

21 Q. Do you know whether he worked with any  
22 of the seven elephants?

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1 A. He was on the blue. I would assume he  
2 would have had something to do with all of them.

3 Q. So all of the elephants who were on  
4 the blue unit at the time that Mr. Chipperfield  
5 worked on the blue unit, he would have had some  
6 responsibility for handling those elephants; is  
7 that correct?

8 A. Yes.

9 Q. Can you give me any better dates for  
10 when Mr. Chipperfield would have been working on  
11 the blue unit?

12 A. I'm not sure exactly when he left. He  
13 came over one year on the red show, the lion act  
14 and then he moved over to the blue show.

15 Q. Was this in the late 1990s?

16 A. Yes, I believe.

17 Q. You think he was at the blue unit from  
18 1997, some time in 1997 until some time in 1999?  
19 Does that comport with your knowledge?

20 A. I don't know. I would have to ask  
21 somebody. I thought he was there later than '99.

22 Q. Did he have any responsibility for

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1 presenting elephants on the blue unit?

2 A. Yes, he did.

3 Q. So would he have been responsible for  
4 presenting the elephants who were on the blue unit  
5 during the time that he worked there?

6 A. Yes.

7 Q. And did he also have responsibility  
8 for training any of those elephants? We're  
9 talking about the seven elephants that are the  
10 subject of this deposition?

11 A. Depends on what you call training. He  
12 would have been involved in routining them. Yes.

13 Q. When you say routining, what do you  
14 mean?

15 A. Changing the act from one year to the  
16 next or choreographing the elephant part of the  
17 show from one year to the next.

18 Q. And if that involved teaching an  
19 elephant a new trick, he would be the person who  
20 would have done that during that time period?

21 MS. JOINER: Objection to form.

22 A. It's possible but most of these older

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1 elephants kind of by then did everything they were  
2 going to do and it would have been just changing  
3 the routine, moving two of them over here or two  
4 over here and just swapping things around, not so  
5 much training.

6 BY MS. MEYER:

7 Q. So he was principally a presenter of  
8 elephants during the time that he worked on the  
9 blue unit; is that correct?

10 A. Yes.

11 Q. And he also handled the elephants when  
12 he worked on the blue unit?

13 A. Yes.

14 Q. What about an individual named Jeff  
15 Pettigrew. Do you know who he is?

16 A. Yes.

17 Q. Who is he?

18 A. He was on the blue show.

19 Q. When was he on the blue show?

20 A. I don't know. He was there two or  
21 three times I think but I'm not sure what the  
22 dates are.



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1 Q. Would he have had responsibility for  
2 handling any of the seven elephants that we're  
3 talking about?

4 A. I would think so. Yes.

5 Q. Which ones?

6 A. Probably all of them. The exception  
7 would be I don't know if he was there when Mysore  
8 was there or not.

9 Q. But if he was on the blue unit when  
10 Mysore was on the blue unit, he would have had  
11 some responsibility for handling Mysore; is that  
12 correct?

13 A. Yes.

14 Q. What about Mr. Ridley. We spoke about  
15 him earlier?

16 A. Suni.

17 Q. Suni. He would have had  
18 responsibility for handling all of those seven  
19 elephants when they were on the blue unit; is that  
20 correct?

21 A. Yes.

22 Q. Did Jeff Pettigrew ever work at the

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1 CEC?

2 A. No.

3 Q. What about Alex Vargas, who is he?

4 A. He's the animal superintendent on the  
5 red show.

6 Q. But he worked on the blue unit at one  
7 period of time; is that correct?

8 A. Yes.

9 Q. When was that?

10 A. I'm not sure.

11 Q. Do you have any idea?

12 A. He was, he left the blue to go to the  
13 red, I think two years ago he left the blue. But  
14 he was on the show for some years and then left  
15 and then came back.

16 Q. When you say he was on the show, was  
17 he on the blue unit?

18 A. He was on the blue unit.

19 Q. And that's what I'm trying to figure  
20 out. When was he on the blue unit?

21 A. I'm not sure.

22 Q. Was it also the late 1990s?

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1 A. It would have been. Yes.

2 Q. So would he have had responsibility  
3 for handling the elephants who were on the blue  
4 show in the late 1990s?

5 A. He was a presenter some time in there.  
6 Yes.

7 Q. So he would have had responsibilities  
8 for handling the elephants in the blue show in the  
9 late 1990s?

10 A. Yes.

11 Q. That would include all of the seven  
12 elephants at issue here?

13 A. If they were there, he would have.  
14 Yes.

15 Q. What about Randy Peterson. Do you  
16 know who he is?

17 A. Yes.

18 Q. Who is he?

19 A. He was brought over to help Gram  
20 Chipperfield with the elephants and then he became  
21 the elephant superintendent.

22 Q. When was that?

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1 A. I'm not sure what year it was.

2 Q. And was that an elephant  
3 superintendent for the blue unit?

4 A. Yes.

5 Q. Was he with the blue unit in the late  
6 1990s?

7 A. I believe so. Yes.

8 Q. And how long was he with the blue  
9 unit?

10 A. It was two or four years.

11 Q. Is he British?

12 A. No.

13 Q. And did he have responsibility for  
14 handling any of the seven elephants when he worked  
15 on blue unit?

16 A. If they were there, he would have had  
17 responsibility.

18 Q. So as far as you know, he had  
19 responsibility for handling all of the seven  
20 elephants at one point in time; is that correct?

21 A. Yes.

22 Q. What about Andy Weller, who is he?

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1 A. I vaguely remember the guy.

2 Q. What do you remember about him?

3 A. He was a handler.

4 Q. Was he a handler for the blue unit?

5 A. Yes.

6 Q. Do you know when he was a handler for  
7 the blue unit?

8 A. Probably some time in that time frame.

9 Q. The late 1990s?

10 A. Yes. I think he worked for Randy.  
11 I'm not sure.

12 Q. If he worked for Randy on the blue  
13 unit, would he have had responsibility for  
14 handling the seven elephants at issue here?

15 A. I don't think he went around Karen.

16 Q. Why do you say that?

17 A. I don't remember the guy very well and  
18 if I don't remember him very well, that means he  
19 probably wasn't there very long so that means he  
20 probably wasn't around Karen.

21 Q. What makes you say -- how do you  
22 deduce that he wasn't around Karen?

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1 A. Because she's a little grumpy.

2 Q. So why wouldn't he be around her?

3 A. Because he was sort of goofy.

4 Q. Like the seven dwarfs. Can you be  
5 more specific?

6 A. I don't remember the guy very well.  
7 So if I don't remember him, then I don't think he  
8 was there very long.

9 Q. Is the fact that he wasn't there very  
10 long the reason you said he probably wasn't around  
11 Karen?

12 A. He probably was inexperienced, I  
13 believe.

14 Q. I see. So because he was  
15 inexperienced he wouldn't have been around Karen;  
16 is that what you're saying?

17 A. That would be my assumption anyway.

18 Q. And why is that?

19 A. Because she's a little testy sometimes  
20 with strange people and he was strange.

21 Q. And so inexperienced handlers would  
22 not work with Karen; is that correct?

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1 A. Probably not. No.

2 Q. Is she the only elephant that  
3 inexperienced elephants would not have worked with  
4 of the seven that we're talking about?

5 A. Yes.

6 Q. What about Adam Hill. Do you know who  
7 he is?

8 A. Yes.

9 Q. Who is he?

10 A. He was a presenter.

11 Q. Was he a presenter for the blue unit?

12 A. Yes.

13 Q. When was that?

14 A. Probably right in about the same time  
15 frame.

16 Q. Late 1990s?

17 A. Yes.

18 Q. '97 to '99?

19 A. I don't know but it would be in there  
20 somewhere.

21 Q. And was he both the presenter and a  
22 handler of elephants?

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1 A. Yes.

2 Q. And would he have had responsibility  
3 for presenting and handling the seven elephants at  
4 issue here?

5 A. I don't know if he presented all of  
6 them but he would have handled all of them.

7 Q. Okay. And did Randy Peterson also  
8 work at the CEC?

9 A. Yes.

10 Q. When was that?

11 A. I think 2000 and 2001. I would have  
12 to look it up. He was there about two years, I  
13 think.

14 Q. What did he do at the CEC?

15 A. He was operations manager.

16 Q. What does that mean?

17 A. He kind of took care of the day-to-day  
18 procedures for me.

19 Q. And were any of the seven elephants at  
20 issue here at the CEC when Mr. Peterson worked at  
21 the CEC?

22 A. I'm sure some of them were. I would



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1 have to look it up.

2 Q. I'm sorry. When was he at the CEC?

3 A. I thought it was about the year 2000  
4 or 2001 but I'm not completely sure.

5 Q. So if, in fact, some of the seven  
6 elephants were at the CEC at the time period that  
7 Mr. Peterson was at the CEC, would he have had  
8 some responsibility of handling them at the CEC?

9 A. Yes, he would.

10 Q. And how long was Adam Hill employed by  
11 Feld Entertainment?

12 A. I'm not sure.

13 Q. Do you know when he left the circus?

14 A. I cannot remember.

15 Q. Do you know if Adam Hill had anything  
16 to do with making bull hooks for handlers on the  
17 blue unit?

18 A. I do not know if he made them for  
19 handlers. I knew he made hooks, but I'm not aware  
20 of them being put in the hands of handlers.

21 Q. Who did he make them for?

22 A. Himself.

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1 Q. How do you know he made them?

2 A. I think I saw him make them. He makes  
3 all kinds of things out of metal.

4 Q. But you don't know whether or not he  
5 provided some of his bull hooks to some of the  
6 other crew on the blue unit during that time?

7 A. No, I do not know.

8 Q. What about Pat Harned. Who is he? Do  
9 you know Pat Harned?

10 A. Yes.

11 Q. Who is he?

12 A. He works for me at the CEC.

13 Q. Prior to him working at the CEC, he  
14 worked the blue unit for some period of time; is  
15 that correct?

16 A. Yes.

17 Q. And he worked at the blue unit -- when  
18 did he work at the blue unit?

19 A. It's got to be in my previous  
20 deposition somewhere.

21 Q. Was he there during the late 1990s?

22 A. Yes.

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1 Q. Was he there between 1997 and 1999?

2 A. I believe so.

3 Q. I think you testified he left when  
4 Benjamin died and that was July 25 of 1999, does  
5 that --

6 A. He left in December or January.

7 Q. Of 1999 or 2000?

8 A. Yes. Either late in '99 or 2000.

9 Q. That's when he left the blue unit?

10 A. Yes. Well -- yes.

11 Q. And that's when he left the circus for  
12 a while?

13 A. Correct.

14 Q. And when he was on the blue unit,  
15 during the period he was on the blue unit, he  
16 would have had responsibility, would he have had  
17 responsibility for handling any of the seven  
18 elephants at issue here?

19 A. He primarily was with the young  
20 elephants but also it would have, he probably  
21 would have been involved with some at one time or  
22 another.

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1 Q. Do you know which elephants he would  
2 have handled?

3 A. No.

4 Q. Would he have handled Karen?

5 A. He could have. Yes.

6 Q. And what about Nicole?

7 A. He could have handled any of them.

8 Q. Okay. You think it's likely that he  
9 did during the time he was on the blue unit?

10 A. I'm not sure, but I believe he made  
11 animal walks and things like that.

12 Q. And if he was on the animal walks, he  
13 would have been, he would have had some  
14 responsibilities for handling the elephants; is  
15 that correct?

16 A. If he was there. Yes.

17 Q. And how long has Mr. Harned been at  
18 the CEC?

19 A. I cannot remember exactly when he came  
20 back.

21 Q. I think you testified it was 2001.  
22 Does that comport with your knowledge?

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1 A. That sounds about right. Yes.

2 Q. And he's the operations manager at the  
3 CEC; is that correct?

4 A. Yes.

5 Q. And he has responsibilities for  
6 handling the five elephants who were at the CEC,  
7 the five of the seven?

8 A. Yes.

9 Q. And that would be Nicole -- I'm sorry.  
10 Jewell, Lutzi, Mysore, Susan and Zina; is that  
11 correct?

12 A. Yes.

13 Q. And he handles all five of them; is  
14 that correct?

15 A. From time to time. Yes.

16 Q. And what about an individual named  
17 Tony Rodriguez. Do you know who he is?

18 A. Yes.

19 Q. Who is he?

20 A. He worked for us there for a while.

21 Q. Worked where for a while?

22 A. At the CEC.

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1 Q. Did he ever work on the blue unit?

2 A. Yes.

3 Q. When did he work on the blue unit?

4 A. I do not know.

5 Q. Could it have been in the late 1990s?

6 A. I would be guessing. I'm not sure  
7 when he was there.

8 Q. But you know he worked on the blue  
9 unit at one period of time?

10 A. Yes.

11 Q. Do you know how long he worked on the  
12 blue unit?

13 A. I do not know.

14 Q. Was he one of the employees who had a  
15 long tenure at the blue unit or?

16 A. I think not.

17 Q. So he did a shorter stint at the blue  
18 unit?

19 A. I believe so.

20 Q. And you're not sure when that was,?

21 A. No, I'm not.

22 Q. Was it before he came to the CEC?

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1 A. Yes.

2 Q. When did he come to the CEC?

3 A. I would have to look it up.

4 Q. What's your best recollection?

5 A. I would have to look it up.

6 Q. Is he still at the CEC?

7 A. No.

8 Q. When did he leave the CEC?

9 A. Three or four years ago.

10 Q. How long was he at the CEC?

11 A. I think about a year.

12 Q. What was his job at the CEC?

13 A. He cleaned up and cut grass and things  
14 like that.

15 Q. Would he have had any responsibilities  
16 for handling elephants at the CEC?

17 A. No.

18 Q. What about Robbie Castillo. Does that  
19 name mean something to you? Do you know who that  
20 is? No?

21 A. Robbie Castillo? No.

22 Q. What about Jeff Steele. Do you know

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1 who Jeff Steele is?

2 A. Like the general manager, Jeff Steele?

3 Yes.

4 Q. Did he ever have any responsibility  
5 for handling elephants?

6 A. No.

7 Q. He was the general manager for the  
8 blue unit?

9 A. Yes.

10 Q. When was that?

11 A. I'm not sure.

12 Q. Do you have any idea?

13 A. I don't know exactly when he was  
14 there.

15 Q. Is he still working for Feld  
16 Entertainment?

17 A. No.

18 Q. Do you know when he stopped working  
19 for Feld Entertainment?

20 A. Three, four years ago.

21 Q. Did he ever -- strike that. Was he  
22 the general manager at the blue unit in the late



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1 1990s?

2 A. I believe so. Yes.

3 Q. And you worked on the blue unit in the  
4 late 1990s, too, correct?

5 A. I was there putting Benjamin and  
6 Shirley on the show and things like that, but I  
7 didn't work there, per se.

8 Q. You were with the show in the late  
9 1990s?

10 A. Correct. Yes.

11 Q. What time period were you with the  
12 blue show?

13 A. I would have to look it up in my past  
14 deposition.

15 Q. Do you remember how long a period of  
16 time you spent with the blue show in the late  
17 1990s?

18 A. When I put the elephants, the two  
19 little guys on the show, I was there probably a  
20 couple of months and then two or three weeks later  
21 that year. And then in the fall, we took the five  
22 out which I went over in my other deposition. I

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1 believe that was 1999.

2 Q. 1999?

3 A. I believe it was. Yes.

4 Q. And do you know who Dave Whaley  
5 (phonetic) is?

6 A. Yes.

7 Q. Who is Dave Whaley?

8 A. He works for us at the Center.

9 Q. What's his position at the Center?

10 A. He's a handler.

11 Q. Does he handle all of the five  
12 elephants who were at the Center who were among  
13 the seven that are at issue hear?

14 A. Actually, he does not.

15 Q. Okay. Who does he handle?

16 A. Out of that five?

17 Q. Yes.

18 A. Normally none.

19 Q. None. When you say normally none,  
20 does he sometime handle some of them?

21 A. If we were short handed or something,  
22 it's possible he could deal with them.

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1 Q. Have you ever seen him handle any of  
2 those five elephants. Let me take it one at a  
3 time. Have you ever seen him handle Jewell?

4 A. I guess he would clean up around them,  
5 something like that, but he hasn't taken them out  
6 and water them, things like that.

7 Q. Does he carry a bull hook around  
8 Jewell when he's around her?

9 A. Yes.

10 Q. What about Lutzi. Has he been, had  
11 any responsibility for handling Lutzi at all?

12 A. Not normally.

13 Q. Would he clean up around Lutzi the way  
14 he would clean up around Jewell?

15 A. Yes.

16 Q. And would he carry a bull hook with  
17 him?

18 A. Yes.

19 Q. What about Mysore? Does he have any  
20 responsibility for handling Mysore?

21 A. It would be the same.

22 Q. What about Susan?

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1 A. The same.

2 Q. What about Zina?

3 A. The same.

4 Q. All right. How long has Dave Whaley  
5 been at the CEC?

6 A. I would have to look it up.

7 Q. He's there now?

8 A. Yes.

9 Q. Do you know how long he's been there?

10 A. No.

11 Q. Has it been more than a year that he's  
12 been there?

13 A. Yes.

14 Q. Has it been more than two years?

15 A. Yes.

16 Q. Has it been more than three?

17 A. Probably about three.

18 Q. And prior to coming to the CEC, was he  
19 on the blue unit?

20 A. Yes.

21 Q. And had he been on the blue unit for a  
22 while?

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1 A. Believe me, it's all starting to run  
2 together. He was on the blue unit when we took  
3 the five out.

4 Q. Which I think you said was in 1999  
5 correct?

6 A. Correct. But that was short lived.  
7 Well, he was out with Troy for a year, I think.

8 Q. Out with Troy, what does that mean?

9 A. Out on the blue unit with Troy.

10 Q. Troy Metzler?

11 A. Yes.

12 Q. When was that?

13 A. I think the year 2000.

14 Q. All right.

15 A. I think.

16 Q. Okay. But he was on the blue unit  
17 prior to that time as well; is that correct?

18 A. For a short time.

19 Q. Do you remember any time periods when  
20 Dave Whaley was on the blue unit?

21 A. He was on the blue unit with Troy and  
22 I cannot remember how long it was.

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1 Q. Was he on the blue unit before Troy  
2 was on the blue unit as well?

3 A. Yes.

4 Q. So he was on the blue unit -- do you  
5 have a better sense of when he was on the blue  
6 unit?

7 A. When we took the five elephants out,  
8 the five young elephants, he was alone on this.

9 Q. So he was on the blue unit at that  
10 point in time?

11 A. Right.

12 Q. And that was in the fall of 1999; is  
13 that correct?

14 A. Yes.

15 Q. And had he been on the blue unit for a  
16 while at that point in time?

17 A. No.

18 Q. Had he been on the blue unit for the  
19 previous year?

20 A. When we took the five elephants out of  
21 the CEC, he came out with us.

22 Q. But I'm trying to find out how long he

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1 was on the blue unit before he went to the CEC  
2 with you?

3 A. I cannot remember. I would have to  
4 look it up.

5 Q. But you think it was for a couple of  
6 years?

7 A. I believe so. Yes.

8 Q. So he would have had responsibility  
9 for handling the elephants who were on the blue  
10 unit during the time he was working on the blue  
11 unit; is that correct?

12 A. He could have. Yes.

13 Q. What about Brian Christiani. Do you  
14 know who he is?

15 A. Yes.

16 Q. Who is he?

17 A. He came over to the blue show in 2000  
18 maybe.

19 Q. Came over from where?

20 A. From whatever he was doing. I don't  
21 know.

22 Q. Does he have another name?

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1 A. Brian French.

2 Q. And do you know how long he was on the  
3 blue unit?

4 A. Several years.

5 Q. You said 2000. So from 2000 to 2003,  
6 maybe?

7 A. Yes. It was two or three years.

8 Q. He was on the blue unit?

9 A. Yes.

10 Q. Was he an elephant hander?

11 A. He was the superintendent.

12 Q. Did he handle elephants, though, when  
13 he worked in the blue unit?

14 A. Yes.

15 Q. He was the superintendent of  
16 elephants?

17 A. Yes.

18 Q. Would he have handled all of the blue  
19 unit elephants who were on the blue unit during  
20 the time he was working on the blue unit?

21 A. Of these on the list. Yes.

22 Q. So he would have handled all of the



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1 elephants -- all of the seven elephants, correct?

2 A. If they were there when he was there.

3 Yes.

4 Q. And do you know when Brian Christiani  
5 AKA Brian French left the blue unit?

6 A. Probably three or four years ago.

7 Q. Do you know where he went?

8 A. He ended up in the zoo in Tampa.

9 Q. And what about Sara Houcke. Did she  
10 work on the blue unit?

11 A. Yes.

12 Q. Who is she?

13 A. She was a presenter.

14 Q. Presenter of elephants?

15 A. Elephants, tigers, horses.

16 Q. But she presented elephants on the  
17 blue unit?

18 A. Yes.

19 Q. She's the daughter of Sasha Houcke,  
20 correct?

21 A. Yes.

22 Q. When did she present elephants on the

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1 blue unit?

2 A. Some time after 2000.

3 Q. Would it have been in -- was she there  
4 in 2001 as a presenter of elephants?

5 A. I'm not sure. I would have to look it  
6 up.

7 Q. Do you know how long she was a  
8 presenter of elephants on the blue unit?

9 A. I think she was just there two years,  
10 I believe.

11 Q. And which two years would that have  
12 been?

13 A. I'm not sure. I would have to look it  
14 up.

15 Q. And when she was a presenter on the  
16 blue unit, would she have had responsibility for  
17 handling all of the elephants who were on the blue  
18 unit during the time she was on the blue unit?

19 A. All of those on this list. Yes. If  
20 they were there.

21 Q. Is she still employed by Feld  
22 Entertainment?

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1 A. No.

2 Q. When did she leave?

3 A. I believe she was on the show two  
4 years and then left.

5 Q. Do you know where she is now?

6 A. In Europe.

7 Q. Do you know what she's doing?

8 A. No.

9 Q. What about Troy Metzler. Who is he?  
10 Who is Troy Metzler?

11 A. He was the elephant superintendent on  
12 the blue show.

13 Q. How long was he the elephant  
14 superintendent on the blue show?

15 A. After Brian Christiani AKA French  
16 left.

17 Q. Do you know when that would have been?

18 A. I think he was superintendent the last  
19 three years or so.

20 Q. The last three years, what does that  
21 mean?

22 A. When Brian left, he took over but I

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1 would have to look up the dates. I'm not sure  
2 exactly.

3 Q. I think Mr. Metzler testified that he  
4 became superintendent of elephants in 2003. Does  
5 that comport with your knowledge?

6 A. That probably sounds about right.

7 Q. But he was on the blue unit prior to  
8 that time in a different capacity; is that  
9 correct?

10 A. Yes.

11 Q. And do you know how long he was on the  
12 blue unit?

13 A. From either late '99 or early 2000.

14 Q. Do you know when he left the blue  
15 unit?

16 A. Some time last summer.

17 Q. Summer of 2007?

18 A. Yes.

19 Q. So and was Mr. Metzler a handler of  
20 elephants on the blue unit?

21 A. Handler, presenter.

22 Q. And would he have had responsibility

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1 for handling all of the elephants who were on the  
2 blue unit during the time he was on the blue unit?

3 A. Yes.

4 Q. And that would include all of the  
5 seven elephants, would it not?

6 A. Yes.

7 Q. And he's at the CEC now; is that  
8 correct?

9 A. No.

10 Q. He's not at the CEC. Okay. When he  
11 left the blue unit in the summer of 2007, did he  
12 go to the CEC?

13 A. Yes.

14 Q. What was he doing at the CEC? What  
15 was his job?

16 A. He was working with some young  
17 elephants.

18 Q. Did he have any responsibility for  
19 working with any of the five elephants who are at  
20 the CEC that are the subject of this deposition?

21 A. No.

22 Q. When did he leave the CEC?

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1 A. This week.

2 Q. He just left. Do you know where he's  
3 going?

4 A. The blue unit.

5 Q. Oh, he's back on the blue unit? Okay.  
6 So he went with the new tour on the blue unit?

7 A. Yes.

8 Q. So he has responsibility as an  
9 elephant handler on the blue unit?

10 A. Yes.

11 Q. Is he going to be presenting on the  
12 blue unit as well?

13 A. No.

14 Q. Just a handler?

15 A. Yes.

16 Q. He used to be a presenter, though; is  
17 that correct?

18 A. Yes.

19 Q. And will he have responsibility for  
20 handling Karen and Nicole on the blue unit?

21 A. No.

22 Q. Why not?

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1 A. He's with two young elephants.

2 Q. I see. Which elephants is he with?

3 A. Rudy and Asha.

4 Q. Did Rudy and Asha just join the blue  
5 unit?

6 A. Yes.

7 Q. So Mr. Metzler is in charge of Rudy  
8 and Asha on the blue unit; is that correct?

9 A. Yes.

10 Q. Was he involved in training Rudy and  
11 Asha at the CEC before he went out on the blue  
12 unit?

13 A. Yes.

14 MS. MEYER: We have to change the tape.

15 THE VIDEO OPERATOR: This marks the end  
16 of videotape No. 2 of the deposition of Gary  
17 Jacobson representing Feld Entertainment,  
18 Incorporated. Going off the record. The time is  
19 12:43 p.m.

20 This marks the beginning of videotape No. 3  
21 of the deposition of Gary Jacobson representing  
22 Feld Entertainment, Incorporated. Going back on

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1 the record. The time is 12:46 p.m.

2 BY MS. MEYER:

3 Q. You mentioned that Mike Hayward  
4 recently left Feld Entertainment; is that correct?

5 A. Yes.

6 Q. He was a presenter on the blue unit  
7 for some period of time, correct?

8 A. Yes.

9 Q. When was that?

10 A. I believe for the last six years.

11 Q. So from about 2002 through 2007?

12 A. Yes.

13 Q. And did he work on the blue unit  
14 before that as well?

15 A. No.

16 Q. So did he work under Troy Metzler at  
17 all on the blue unit?

18 A. Yes.

19 Q. When was that?

20 A. When he started over there until Troy  
21 left last summer.

22 Q. And was he -- so he would have had,



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1 Mr. Hayward would have had responsibility for  
2 handling the elephants on the blue unit, correct?

3 A. Yes.

4 Q. And that would include whatever  
5 elephants were on the blue unit during the time  
6 Mr. Hayward was there?

7 A. Yes.

8 Q. David Brown? Who is he? Was he the  
9 general manager of the blue unit for some period  
10 of time?

11 A. I think he might have been an  
12 assistant manager.

13 Q. Do you know when?

14 A. I think some time after 2000, but I'm  
15 not sure.

16 Q. Could it have been in the late 1990s?

17 A. It could have been. He wasn't there  
18 very long. I don't think.

19 Q. What about an individual named Icham.  
20 Do you know who that is?

21 A. He's a handler on the blue show.

22 Q. Is his last name Sacko?

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1 A. I believe so. Yes.

2 Q. How long has he been a handler on the  
3 blue unit?

4 A. Six or seven years.

5 Q. And he's currently a handler on the  
6 blue unit as well?

7 A. Yes.

8 Q. So he's had responsibility for  
9 handling some of these elephants, correct?

10 A. Yes.

11 Q. Which ones?

12 A. All of them.

13 Q. And do you know where Icham Sacko  
14 received his training in elephant handling from?

15 A. Most of it from Troy Metzler.

16 Q. And what about an individual named  
17 Hicham. Hicham or Hicham? Does that ring a bell  
18 with you at all? H-I-C-H-A-M?

19 A. I would be guessing but I think that's  
20 probably Icham's father.

21 Q. That's Icham's father?

22 A. Yes.

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1 Q. Okay. Is he also a handler on the  
2 blue unit?

3 A. Yes.

4 Q. And how long has he been on the blue  
5 unit?

6 A. I am not sure.

7 Q. Is he still on the blue unit?

8 A. Yes.

9 Q. Has it been several years that he's  
10 been on the blue unit?

11 A. If it's the guy that I'm thinking of,  
12 more than that. He came over with a troop of  
13 people and Icham is his son.

14 Q. And when did Icham come over with a  
15 group of people?

16 A. I don't know when the group actually  
17 came over, but I believe Icham, the younger one,  
18 has been there for six or seven years, I believe.

19 Q. All right. So if you think if Hicham  
20 is his father, he's been with the blue unit for  
21 six or seven years as well?

22 A. Yes.

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1 Q. And he's been a handler of the  
2 elephants on the blue unit?

3 A. Handler and also works with the other  
4 animals on the show.

5 Q. And would Hicham have responsibility  
6 for working with any of the seven elephants at  
7 issue here?

8 A. Sort of. I mean, he can kind of walk  
9 you along with one or something and help them out  
10 or things like that.

11 Q. And he would carry a bull hook when he  
12 was around the elephants; is that correct?

13 A. Sometimes. Yes.

14 Q. Most of the time?

15 A. Perhaps so. Yes.

16 Q. And who is Jeff Lease?

17 A. He works at the CEC.

18 Q. And how long has he been at the CEC?

19 A. I would have to look it up.

20 Q. Has he been there for some period of  
21 time?

22 A. Yes.

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1 Q. More than two years?

2 A. Yes.

3 Q. More than five years?

4 A. No.

5 Q. More than three years?

6 A. He was in the blue show for, I think,  
7 three years then he came to the CEC.

8 Q. When was he on the blue show?

9 A. Somewhere around the turn of the  
10 century.

11 Q. So that would have been around the  
12 year 2000?

13 A. I believe so. Yes.

14 Q. When did he come to the CEC?

15 A. Three or four years ago.

16 Q. When he was on the blue show, was he  
17 an elephant handler?

18 A. Yes.

19 Q. Would he have handled all of the  
20 elephants who were on the blue show at that point  
21 in time?

22 A. I'm not sure he handled Karen. The

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1 rest of them. Yes.

2 Q. Would he not have handled Karen for  
3 the same reason that Andy Weller would not have  
4 handled Karen?

5 A. It would be the same reason, if my  
6 memory serves me right.

7 Q. And what is that again?

8 A. He was new around elephants.

9 Q. And would he have handled any of the  
10 other six elephants that we've been discussing?

11 A. Yes.

12 Q. Which ones would he have handled?

13 A. Any or all of them.

14 Q. And what does he do at the CEC?

15 A. He works under animal programs. He  
16 doesn't work for me anymore.

17 Q. Did he work for you at one point?

18 A. Yes.

19 Q. When did he work for you?

20 A. For two or three years.

21 Q. Until when?

22 A. Until six or eight months ago.

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1 Q. When he was working for you, what were  
2 his job responsibilities?

3 A. He was a handler.

4 Q. He was handling the elephants?

5 A. Yes.

6 Q. Did he handle any of the seven  
7 elephants that are on our list when he was at the  
8 CEC?

9 A. Yes.

10 Q. Which ones?

11 A. Any or all of them.

12 Q. Do you remember which ones he would  
13 have handled at CEC?

14 A. Well, it's kind of like Dave Whaley.  
15 He specifically took care of other elephants but  
16 they could handle these.

17 Q. So he would have handled Jewell?

18 A. He could have. Yes.

19 Q. And Lutzi?

20 A. Yes.

21 Q. And Mysore?

22 A. Yes.

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1 Q. And Susan?

2 A. Yes.

3 Q. And Zina?

4 A. Yes.

5 Q. And you're saying six to eight months  
6 ago he took a different job at that CEC?

7 A. Yes.

8 Q. So he's not handling any elephants  
9 anymore?

10 A. Yes.

11 Q. Yes, he's not handling them?

12 A. No.

13 Q. Is he handling the elephants anymore?

14 A. Sometimes.

15 Q. And is he still handling some of the  
16 five elephants that I just named?

17 A. Yes.

18 Q. What is his title now at the CEC?

19 A. I don't know exactly what it is.

20 Q. I may have asked you this already, if  
21 I did, I apologize. Did -- never mind. I did ask  
22 you that one. How about an individual named



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1 Ahmed. Do you know who he is?

2 A. I believe he worked on the blue show.

3 Q. And his name is spelled A-H-M-E-D?

4 A. I'm not sure.

5 Q. Do you know when he worked on the blue  
6 show?

7 A. No.

8 Q. Do you have any idea when he worked on  
9 the blue show?

10 A. I could not tell you. No.

11 Q. Do you know who Jeff Lease received  
12 his training from to handle elephants?

13 A. I guess some from Randy Peterson and  
14 Pat.

15 Q. Pat Harned?

16 A. Yes. Myself.

17 Q. Who taught Sarah Houcke how to handle  
18 elephants?

19 A. Nobody. That would be just a guess,  
20 it would be her dad probably.

21 Q. What's your basis for saying that?

22 A. She grew up on a circus family, so.

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1 Q. And do you know who taught Brian  
2 Christiani AKA Brian French how to handle  
3 elephants?

4 A. His family owned elephants, so  
5 probably his father and mother.

6 Q. What was his father's name?

7 A. Larry French.

8 Q. Is Larry French still in the circus  
9 industry?

10 A. He's deceased.

11 Q. Do you know when he died?

12 A. Pardon?

13 Q. Do you know when he died?

14 A. I can't remember.

15 Q. Did he have elephants?

16 A. Yes.

17 Q. Do you know anything about Larry  
18 French's training, who taught him how to handle  
19 elephants?

20 A. Probably Brian's mother.

21 Q. Okay. Was her name Christiani by any  
22 chance?

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1 A. Yes.

2 Q. What was her first name, do you know?

3 A. Karen.

4 Q. Okay. And was she an elephant  
5 handler?

6 A. Yes.

7 Q. Did you know her?

8 A. Enough to say hello.

9 Q. Do you know who taught Karen  
10 Christiani how to handle elephants?

11 A. Her parents.

12 Q. Who were her parents?

13 A. I'm drawing a blank. They were  
14 Christiani's and they had four elephants.

15 Q. Their last name is Christiani also  
16 too, right?

17 A. Yes.

18 Q. Do you know who taught Pat Harned how  
19 to handle elephants?

20 A. He worked for Benny White of Busch  
21 Gardens.

22 Q. I'm sorry. Who is that?

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1 A. Benny White from Busch Gardens.

2 Q. Who is Benny White?

3 A. He was the elephant superintendent at  
4 Busch Gardens, Busch Gardens Theme Park.

5 Q. So do you think Mr. White is the one  
6 who taught Pat Harned how to handle elephants?

7 A. Some.

8 Q. Who else?

9 A. Gary Johnson.

10 Q. Who is Gary Johnson?

11 A. He owns Have Trunk Will Travel.

12 Q. What's your basis for saying that Pat  
13 Harned training from Gary Johnson in how to handle  
14 elephants?

15 A. Pat worked for him.

16 Q. How long did Pat work for him?

17 A. Eight or ten months.

18 Q. When was that?

19 A. He came to work for us in '95, I  
20 believe. So it would have been before that.

21 Q. Did Pat Harned receive training from  
22 anyone else in how to handle elephants?

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1 A. Myself.

2 Q. Anyone else?

3 A. No.

4 Q. How about Randy Peterson? Who taught  
5 Randy Peterson how to handle elephants?

6 A. Myself. Buckles Woodcock.

7 Q. Anyone else?

8 A. Joe Frisco.

9 Q. Joe Frisco, Sr.?

10 A. Junior.

11 Q. Joe Frisco, Jr. Okay.

12 A. Well, there's three of them, the  
13 middle one.

14 Q. The middle one. Well, Joe Frisco, Jr.  
15 is the oldest son. Tim Frisco is the middle son  
16 and Terry Frisco is the younger son, the youngest  
17 son. So would it have been Tim Frisco then?

18 A. No. Joe.

19 Q. Joe Frisco, Jr.?

20 A. Joe, Jr.

21 Q. Is the one who caught Randy Peterson  
22 how to handle elephants?

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1 A. Yes.

2 Q. Anyone else teach Randy Peterson how  
3 to handle elephants?

4 A. Not that I know of.

5 Q. What about Suni Ridley? Who taught  
6 him how to handle elephants?

7 A. Hugo Schmidt and Axel Gautier.

8 Q. How about Jeff Pettigrew. Do you know  
9 who taught him how to handle elephants?

10 A. I actually don't know who Jeff worked  
11 for originally.

12 Q. How about Dave Whaley? Do you know  
13 who taught him how to handle elephants?

14 A. He also worked at Busch Gardens and  
15 worked for Benny White.

16 Q. And it's Benny White?

17 A. Benny.

18 Q. And who taught Benny White how to  
19 handle elephants.

20 A. Hi name is Rex Williams?

21 Q. Who is Rex Williams?

22 A. He was an old-time trainer.

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1 Q. What's your basis for saying Rex  
2 Williams is the one who taught Benny White how to  
3 handle elephants?

4 A. Rex Williams was the elephant  
5 superintendent on a Clyde Beatty & Cole Brothers  
6 and Benny was his assistant.

7 Q. Do you know who taught Adam Hill how  
8 to handle elephants?

9 A. I think a good share would come from  
10 his dad. His father owned elephants.

11 Q. What was his dad's name?

12 A. Murray Hill.

13 Q. Murray Hill. And Adam Hill goes by a  
14 different name as well, doesn't he?

15 A. Do you know?

16 Q. Siden?

17 A. Yes. Actually, his last name is  
18 Siden.

19 Q. Adam Hill's last name is Siden?

20 A. It's actually Siden. Murray Hill is  
21 where his father was from in New York City.

22 Q. You really lost me on that one. Adam

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1 Hill's --

2 A. There's a Murray Hill District in New  
3 York City and that's where Siden, the elder Siden  
4 is from originally. So he took that as his name  
5 because his other name sounded a little too  
6 Jewish.

7 Q. So Adam Hill's father, what is his  
8 real name?

9 A. Siden.

10 Q. And is it, do you know the first name?

11 A. I think it's Arlon, but I'm not sure.

12 Q. And Adam him also sometimes goes by  
13 Adam Siden?

14 A. Yes.

15 Q. You know him by both names?

16 A. Yes.

17 Q. And you said that his father taught  
18 Adam Hill how to handle elephants; is that  
19 correct?

20 A. I believe so. He owned a number of  
21 them.

22 Q. And do you know who taught his father



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1 how to handle elephants?

2 A. I'm not sure. Smokey Jones trained  
3 them for him so.

4 Q. Smokey Jones trained?

5 A. Trained three of his elephants.

6 Q. Trained three of?

7 A. Siden's elephants.

8 Q. And when we say Siden, it's Adam  
9 Hill's father we're talking about, correct?

10 A. Yes. So perhaps Smokey showed him how  
11 to do it.

12 MS. MEYER: I just want to ask him  
13 about some of the CEC employees, then we can break  
14 for lunch, if it's all right?

15 MS. JOINER: Is it okay with you?

16 THE WITNESS: Yes.

17 MS. MEYER: Okay. I appreciate it.

18 BY MS. MEYER:

19 Q. So turning to the employees at the CEC  
20 Jim Williams works at the CEC; is that correct?

21 A. Yes.

22 Q. Does he have any responsibility for

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1 handling elephants at the CEC?

2 A. Yes.

3 Q. Does he have responsibility for  
4 handling any of the five elephants that were at  
5 the CEC who were the subject of this deposition?

6 A. Yes.

7 Q. Does he handle all of them, all five  
8 of them?

9 A. Yes.

10 Q. That would be Zina, Mysore, Susan,  
11 Jewell and Lutzi, correct?

12 A. Yes.

13 Q. And we talked about Pat Harned, he is  
14 your operations manager, correct?

15 A. Yes.

16 Q. And did he have a brace on his leg  
17 recently or something?

18 A. Yes.

19 Q. And because I think I saw him at the  
20 CEC and I just wanted to know if that's who it  
21 was. Is that who it was?

22 A. Yes.

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1 Q. And he has responsibility for handling  
2 Zina, Mysore, Susan, Jewell and Lutzi, correct?

3 A. Yes.

4 Q. And there is an individual named Sean  
5 Quinn?

6 A. Yes.

7 Q. And what does he do with the CEC?

8 A. He's also a handler.

9 Q. And does he handle Zina, Mysore, Susan  
10 Jewell or Lutzi?

11 A. Yes.

12 Q. Who taught him how to handle  
13 elephants?

14 A. William Woodcock and Fred C. Logan.

15 Q. Is that Buckles Woodcock?

16 A. Yes.

17 Q. And who is the other person?

18 A. Fred C. Logan.

19 Q. Who's Fred C. Logan?

20 A. He was a trainer of some renown.

21 Q. In this country?

22 A. Yes.

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1 Q. During what period of time?

2 A. I guess from the early '40s until  
3 three or four years ago when he retired.

4 Q. Did he work in a circus?

5 A. Yes.

6 Q. Which circus did he work in?

7 A. Carson & Barnes.

8 Q. When did he work at Carson & Barnes?

9 A. Actually, I guess when he worked there  
10 it was Kelly Miller, then it became Carson &  
11 Barnes.

12 Q. I'm sorry. What did the circus used  
13 to be called?

14 A. Kelly Miller. Al G., Kelly, Miller  
15 and Brothers.

16 Q. When did it become Carson & Barnes?

17 A. I think about 1970.

18 Q. And Mr. Logan worked at first Kelly  
19 Miller, then Carson & Barnes as an elephant  
20 trainer?

21 A. Trainer. Yes. From the probably from  
22 about 1950 until 1969. Then in 1969, he went to

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1 the Clyde Beatty & Cole Brothers Circus.

2 Q. And how do you know Sean Quinn  
3 received training from Fred C. Logan?

4 A. Because he worked for him for 10 or 12  
5 years.

6 Q. Where did he work for him?

7 A. Clyde Beatty & Cole Brothers Circus.

8 Q. During what period of time?

9 A. He would have left Ringling Brothers  
10 probably about 1981 or '82, so then he worked for  
11 the Beatty show for a long time.

12 Q. Now, I'm confused. Did Mr. Logan work  
13 for Ringling Brothers?

14 A. No. Mr. Quinn.

15 Q. Mr. Quinn previously worked for  
16 Ringling Brothers?

17 A. Yes.

18 Q. And which show did he work on?

19 A. He started out with Bill Woodcock on  
20 the blue show.

21 Q. When was that?

22 A. 1977.

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1 Q. How long was he on the blue show?

2 A. He was on for the two years that it  
3 was out and then when it came back with the heme  
4 park, Sean went to work in the Theme Park for a  
5 couple of years.

6 Q. So would Sean Quinn have  
7 responsibility for handling some of the seven  
8 elephants?

9 A. Zina at that time and all the rest of  
10 them now.

11 Q. All the rest of them now at the CEC,  
12 but what about Karen and Nicole?

13 A. Nicole may have been there when Sean  
14 was there, I can't remember. I have to look it  
15 up.

16 Q. May have been on the blue unit?

17 A. No. When Nicole was at the CEC, Sean  
18 may have been there.

19 Q. I see. Okay. And do you know who  
20 Fred C. Logan received his training from?

21 A. William Woodcock, Sr.

22 Q. And that's the colonel, correct?

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1 A. Yes.

2 Q. Who is David Garcia?

3 A. He's been at the CEC for about 10  
4 years.

5 Q. What does he do at the CEC?

6 A. He's a handler.

7 Q. Does he have responsibility for  
8 handling all of the elephants who are at the CEC?

9 A. Yes.

10 Q. Who did he receive his training from?

11 A. Rex Williams.

12 Q. Anyone else?

13 A. Not really, no.

14 Q. How do you know that?

15 A. That's where he got his start around  
16 elephants is working for Rex Williams on Circus  
17 Vargas.

18 Q. When was that?

19 A. Probably 25 years ago.

20 Q. How long was he with Circus Vargas?

21 A. I'm not sure.

22 Q. How long has David Green -- you said

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1 10 years he's been at the CEC?

2 A. Roughly 10 years. Yes.

3 Q. And what about Trudy Williams. Does  
4 she have any responsibility for handling  
5 elephants?

6 A. Yes.

7 Q. Does she have responsibility for  
8 handling any of the five elephants who are  
9 currently at the CEC --

10 A. She has. Yes.

11 Q. -- and the subject of our deposition?

12 A. Yes.

13 Q. And who trained her?

14 A. Jim Williams. Her uncle is Gary  
15 Johnson of Have Trunk Will Travel, her father.

16 Q. Her, you lost me. Her uncle is Gary  
17 Johnson?

18 A. No. Yes. Her uncle is Gary Johnson.

19 Q. What did you say about -- oh, her  
20 father also trained her?

21 A. Her father also.

22 Q. Who is her father?



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1 A. Last name is Johnson. I can't  
2 remember his first name. Eugene.

3 Q. Eugene Johnson?

4 A. Yes.

5 Q. Is he an elephant trainer?

6 A. Handler.

7 Q. Where does he work?

8 A. Normally for his brother Gary.

9 Q. With Have Trunk Will Travel?

10 A. Yes.

11 Q. So they're brothers?

12 A. Yes.

13 Q. Do you know who taught Eugene Johnson  
14 how to handle elephants?

15 A. His father owned elephants.

16 Q. What was his fathers name?

17 A. I forget.

18 Q. Something Johnson?

19 A. Something Johnson.

20 Q. Do you know who taught Gary Johnson  
21 how to handle elephants?

22 A. Smokey Jones.

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1 Q. And who's Laura Keefe?

2 A. She's a handler.

3 Q. And does she have responsibilities for  
4 handling the five elephants who are at the CEC?

5 A. Yes.

6 Q. And who did she receive her training  
7 from?

8 A. Some from her husband, some from me.

9 Q. Who's her husband?

10 A. Kirk Keefe.

11 Q. Kirk?

12 A. Kirk.

13 Q. Who is he?

14 A. He's an elephant handler.

15 Q. Where does he work?

16 A. Cheyenne Mountains in Colorado.

17 Q. Are they still married?

18 A. Yes.

19 Q. How long has she been at the CEC?

20 A. I think a year. Probably a year.

21 Q. Do you know who Kirk Keefe received  
22 his training in handling elephants from?

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1 A. Some at the zoo where he's at and then  
2 he also works for me.

3 Q. And we talked about Randy Peterson.  
4 He worked at the CEC for a while, correct?

5 A. A couple of years. Yes.

6 Q. And he was the operations manager,  
7 correct?

8 A. Yes.

9 Q. And that was 1999 to 2001?

10 A. Something like that. I would have to  
11 look it up to be correct.

12 Q. And so he had responsibility for  
13 handling the elephants who were at the CEC during  
14 that time period; is that correct?

15 A. Yes.

16 Q. And according to my notes, Karen was  
17 actually at the CEC for some of that time period;  
18 is that correct?

19 A. She came in once or twice. She had a  
20 stiff leg or something so we pulled her off for  
21 the rest of it.

22 Q. Would Mr. Peterson have had some

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1 responsibility for handling Karen when she was at  
2 the CEC?

3 A. Yes.

4 Q. And Nicole was also at the CEC for  
5 some period of time when Mr. Peterson was at the  
6 CEC; is that correct?

7 A. That would be correct. Yes.

8 Q. Would he have had responsibility for  
9 handling Nicole as well?

10 A. Yes.

11 Q. Did Mr. Peterson have some  
12 responsibility for handling Susan when she was at  
13 the CEC?

14 A. Yes.

15 Q. And he's had responsibility also for  
16 handling some of the other elephants; is that  
17 correct?

18 A. Yes.

19 Q. Which ones?

20 A. Probably all of them.

21 Q. Who did Mr. Peterson get his training  
22 from?

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1 A. Buckles Woodcock, Joe Frisco, he was  
2 around me some, Joe Williams.

3 Q. And Joe Frisco, Jr. also worked at the  
4 CEC for some period of time, correct?

5 A. Yes.

6 Q. That was December of 2005 to November  
7 of 2006?

8 A. About a year. Yes.

9 Q. He had responsibility for handling the  
10 elephants there during that time period, correct?

11 A. Yes.

12 Q. And that would have included  
13 responsibility for handling Jewell, Lutzi, Mysore,  
14 Susan and Zina, correct?

15 A. Yes.

16 Q. Who did Mr. Frisco, we went over this.  
17 Who did he receive his training from, maybe we  
18 didn't?

19 A. I think we did in the last deposition.  
20 Quite a bit from his father and self taught.

21 Q. And his father is Joe Frisco, Sr.,  
22 correct.

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1 A. Yes. Yes.

2 Q. Is there anybody else that's currently  
3 at the CEC who handles elephants that I haven't  
4 mentioned?

5 A. Jim Varn V-A-R-N.

6 Q. Okay. And who is Jim Varn?

7 A. He was the last elephant  
8 superintendent at Busch Gardens.

9 Q. Until when?

10 A. Two or three years ago.

11 Q. And what does he do at the CEC?

12 A. He's a handler.

13 Q. Okay. So he has responsibilities for  
14 handling Jewell, Lutzi, Mysore, Susan and Zina?

15 A. Yes.

16 Q. And who did Jim Varn receive his  
17 elephant-handler training from?

18 A. Benny White.

19 Q. And we already discussed Benny White  
20 earlier, it's the same Benny White, correct?

21 A. Yes.

22 MS. MEYER: This is a good place to

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1 break for lunch.

2 THE VIDEO OPERATOR: We're going off  
3 the record. The time is 1:14 p.m.

4 We're going back on the record. The time is  
5 2:03 p.m.

6 BY MS. MEYER:

7 Q. Mr. Jacobson before we broke for  
8 lunch, I was asking you about whether there were  
9 any other CEC employees that we haven't covered.  
10 The last one you mentioned was Jim Varn. Is there  
11 anybody else that we haven't talked about?

12 A. Kathy Jacobson.

13 Q. And what are Ms. Jacobson's  
14 responsibilities?

15 A. Nothing to do with those elephants at  
16 all.

17 Q. Right. Anybody else that has  
18 responsibility for handling any of the five  
19 elephants who were at the CEC; Lutzi, Mysore,  
20 Susan, Zina and Jewell?

21 A. Not that I can remember.

22 Q. Are you familiar with a handler on the

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1 blue unit whose name is Peshta?

2 MS. JOINER: Objection to form.

3 A. No.

4 BY MS. MEYER:

5 Q. Peshta. Anything like that?

6 A. No.

7 Q. He worked on the blue unit with Troy  
8 Metzler and Alex Vargas in 2004, 2005?

9 MS. JOINER: Objection to form.

10 BY MS. MEYER:

11 Q. Do you know that name?

12 A. I know the name but he's on the red  
13 show.

14 Q. Oh, he's on the red show?

15 A. I've never anyone him to be on the  
16 blue show, unless I missed it.

17 Q. Who is he?

18 A. He's a handler on the red show.

19 Q. As far as you know, he's never worked  
20 on the blue show?

21 A. I don't think so. No.

22 Q. Do you know who trained Peshta to



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1 handle elephants?

2 A. No. He's east European.

3 Q. Lutzi was never on the red show, was  
4 she?

5 A. No.

6 Q. At the CEC when the elephants are in  
7 the barn and when I say the elephants, I mean the  
8 five that we're talking about; Jewell, Lutzi,  
9 Mysore, Susan and Zina. When they're in the main  
10 barn, are they on chains when they're in the main  
11 barn?

12 A. Yes.

13 Q. On the blue unit, when elephants are  
14 out in pens at a particular venue, they can also  
15 be on chains; is that correct?

16 MS. JOINER: Objection to form.

17 A. The pens normally run from inside the  
18 housing to outside, but normally they are not tied  
19 up. Particularly the two in question.

20 BY MS. MEYER:

21 Q. When you say not tied up, you mean not  
22 on chains?

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1 A. Not on chains, right. If they're,  
2 from morning to night, they're normally loose the  
3 entire time.

4 Q. When you say night, in that context,  
5 do you mean when they're done with the last show?

6 A. Yes.

7 Q. That's not always in the nighttime, is  
8 it?

9 A. Well, no. On the tear-down day of the  
10 last show it will be early, and then they'll go to  
11 the train.

12 Q. Okay. What's a turn out show? What  
13 does that mean?

14 A. Turn out?

15 Q. Isn't that what you just said? I'm  
16 sorry. What did you just say? Can you read that  
17 back, that answer?

18 A. The closing show.

19 Q. I thought you said turn out.

20 A. Well, if I did, I misspoke.

21 Q. Okay. Tear down.

22 A. Yes. Tear down.

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1 Q. On a tear-down show, what does that  
2 mean?

3 A. It's the last show in the venue and  
4 then they go to the next venue.

5 Q. On a day when there's a tear-down  
6 show, how long does it take from the end of the  
7 show to the time the elephants are loaded on the  
8 train, in time?

9 MS. JOINER: Objection to form.

10 A. That would vary.

11 MS. MEYER: What's the objection? I'm  
12 sorry.

13 MS. JOINER: Vague.

14 A. That would vary depending on a number  
15 of things; one, how far they have to walk; No. 2,  
16 how long it takes to clear out the parking lot.  
17 Sometimes a parking lot takes an hour to get the  
18 cars out before you can go, but normally, they're  
19 taken out as soon as possible, as soon as you get  
20 a police escort and then they go for the road  
21 cars.

22 Q. So after the last show on a tear-down

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1 day, the elephants are taken to the train as soon  
2 as possible; is that what you're saying?

3 A. Yes.

4 Q. The elephants on the blue unit are  
5 transported from venue to venue via train cars,  
6 right?

7 A. Yes.

8 Q. And on a tear-down day, I'd like you  
9 to explain as much as you can, describe to me the  
10 process of, the process engaged in by the Circus  
11 from the time the last show ends until the  
12 elephants are loaded onto the train, what happens?

13 MS. JOINER: Objection to form.

14 A. That varies depending on if the  
15 weather is warm, the tent is taken down normally  
16 during the last show or in between the last shows,  
17 if the weather is nice. And the pens are left up  
18 and after the show, the elephants go back in those  
19 and are watered and then depending on the things  
20 that I have described to you already they'll  
21 either wait awhile in the pens or go straight to  
22 the train. They will be watered first. Once

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1 they're on the train, they're tied up and fed.

2 Q. When you say once they're on the train  
3 they're tied up, their legs are chained, is that  
4 correct?

5 A. They're put on the chains. Yes.

6 Q. And where in the process are the  
7 elephants loaded as opposed to other species of  
8 animals?

9 A. What do you mean?

10 Q. Well, there's other animals that are  
11 used in the circus, correct?

12 A. Right. All the animal cars are  
13 together in a group.

14 Q. But are all the animals loaded onto  
15 the train at the same time?

16 A. Pretty much. Yes. They all walk at  
17 the same time to the train.

18 Q. Oh they are. All right. And while  
19 the elephants are waiting to be loaded onto the  
20 train, are they on chains or off chains?

21 A. Off chains.

22 Q. So if the last show, I know there's

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1 some variables but I'm just trying to figure this  
2 out. If the last show ends at 5 o'clock p.m.,  
3 when typically would the elephants be loaded onto  
4 the train?

5 A. Then it would depend on how far the  
6 walk is. Normally two or three hours. Sometimes  
7 less. Sometimes you go two blocks and jump them  
8 on the train, it takes 30 minutes.

9 Q. And then what if the last show is at  
10 1:30 p.m. How long does it take to get the  
11 elephants on the train?

12 A. It would be the same, just depends on  
13 distance and what kind of traffic you have and  
14 whether the escorts arrive on time.

15 Q. Who would the escorts be?

16 A. The police.

17 Q. So the police have to arrive before  
18 the elephants can be escorted to the train?

19 A. Yes.

20 Q. Are there any other requirements that  
21 have to be met before the elephants can be loaded  
22 onto the train?

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1 MS. JOINER: Objection to form.

2 A. Not that I know of. No.

3 BY MS. MEYER:

4 Q. And once the elephants are loaded onto  
5 the train, there sometimes is a wait before the  
6 train actually leaves the venue; is that correct?

7 A. Yes.

8 Q. And on the other end when the train  
9 gets to a new venue, there is a wait before the  
10 elephants get off the train; is that correct?

11 A. Sometimes. It varies tremendously.

12 Q. Is there a process at the other end  
13 when the train arrives at a new venue that has to  
14 be followed before the elephants can be loaded off  
15 the train?

16 A. Right.

17 Q. What is that process?

18 A. The facilities they'll be housed in  
19 have a building that is put up.

20 Q. Who does that, the crew?

21 A. Yes.

22 Q. So you have to wait for the facility

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1 to be put up by the crew. What else?

2 A. Although sometimes it's put up,  
3 sometimes it goes by truck and it's put up when  
4 the cars get in.

5 Q. Okay. How often does that happen?

6 A. I'm not sure.

7 Q. What's the usual practice?

8 A. I'm not sure.

9 Q. Who would know what the usual practice  
10 is?

11 A. The animal superintendent.

12 Q. That will be David Polke?

13 A. Yes. Actually, no. He's the elephant  
14 superintendent.

15 Q. Who would it be now?

16 A. It could be David Polke.

17 Q. Who is the animal superintendent of  
18 the blue unit?

19 A. They have a new one. His name is also  
20 Alex. I can't remember his last name.

21 Q. They would know what the usual  
22 practice is for when the train arrives at a new



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1 venue in terms of unloading the train?

2 A. Right.

3 Q. But you don't know what it is?

4 A. No.

5 Q. Did ask you anybody before you came to  
6 this deposition?

7 A. I did not.

8 Q. When the train arrives at a new venue,  
9 some of the crew arrives by another means; is that  
10 correct?

11 A. Yes.

12 Q. And before the elephants can be  
13 unloaded, the crew has to arrive, correct?

14 A. Correct.

15 Q. So you have to wait for the crew to  
16 arrive before the elephants can be unloaded,  
17 right?

18 MS. JOINER: Objection to form.

19 A. Right. You have to wait until  
20 everybody's assembled.

21 BY MS. MEYER:

22 Q. And isn't there some security fence

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1 that's put up around the area where the elephants  
2 are unloaded?

3 A. Not while they're unloaded but at the  
4 building.

5 Q. At the building?

6 A. Right. There's fence put up around  
7 where the animals are kept.

8 Q. Well, I went to an inspection in  
9 Auburn Hills and they put up a little area that we  
10 had to stand behind before the elephants came off  
11 the train. I'm wondering if that's the normal  
12 procedure?

13 A. Normally there wouldn't be anybody  
14 there that close.

15 Q. So that's not a normal procedure to  
16 put any kind of security area up when the  
17 elephants are being unloaded from the train?

18 A. Normally they're unloaded and they're  
19 walking.

20 Q. When the train arrives in a new venue,  
21 do the police have to arrive before the elephants  
22 can be unloaded from the train?

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1 A. Yes.

2 Q. And are there any other requirements  
3 that have to be met before the elephants can be  
4 unloaded from the train?

5 A. No.

6 Q. It sometimes takes a while for the  
7 police to get there, doesn't it?

8 A. All of that is set up in advance, way  
9 in advance.

10 Q. Does that mean it never takes a while  
11 for the police to get there?

12 A. Well, anything can happen. We were  
13 late coming here today.

14 Q. Because I remember when I was in  
15 Auburn Hills we had to wait for the police to  
16 come. So that seemed to be the procedure and I'm  
17 just asking you if that's the normal procedure?

18 A. Normally, that's the way it's done.  
19 It's required to have the police escorts.

20 Q. Required by whom?

21 A. I imagine the company and also the  
22 different municipalities.

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1 Q. When the elephants are on the train,  
2 they're sometimes provided water on the train; is  
3 that correct?

4 A. Yes.

5 Q. How is that done?

6 A. There's a tank on the train. A water  
7 tank with an electric motor.

8 Q. How are the elephants actually  
9 provided water?

10 A. By hose into watering tubs.

11 Q. Is that done while the train is  
12 moving?

13 A. It can be. Yes.

14 Q. Is there a schedule for providing the  
15 animals with, the elephants with water when  
16 they're on the train?

17 A. Yes.

18 Q. And who's responsible for providing  
19 them water when they're on the train?

20 A. Normally the people that stay with the  
21 elephants on the train.

22 Q. Who would those people be? What would

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1 their position be?

2 A. They would be handlers.

3 Q. Could it be any handlers that are  
4 working for the blue unit at the time or does  
5 someone actually get assigned that job?

6 A. They get assigned that job.

7 Q. How does the animal crew find out when  
8 the train is going to be leaving a particular  
9 venue?

10 A. They're told what time the train will  
11 probably be leaving.

12 Q. How are they told?

13 A. By the company communicator.

14 Q. What does that mean?

15 A. Well, when the show is over, it takes  
16 X number of hours to load it up. So the show is  
17 over at 9 o'clock, then they load the train and  
18 it's pretty much the same every time.

19 Q. But the loading of the train occurs at  
20 different times at different venues, right?

21 A. Right.

22 Q. And the watering of the elephants

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1 occurs at different times during the trip from a  
2 venue to a venue, correct, from one venue to  
3 another venue, correct?

4 A. It can.

5 Q. So how does the animal crew find out  
6 what the schedule is for all that?

7 A. They stop the train three times when  
8 they're out a day. Theoretically, it's every  
9 eight hours and then they make crew changes with  
10 the animal people.

11 Q. And how does the crew know what's  
12 going on, is what I'm asking you?

13 A. By radio.

14 Q. How do they know ahead of time what  
15 the schedule is?

16 A. It's printed out.

17 Q. Where? And it's printed out and  
18 disseminated to the crew?

19 A. Yes.

20 Q. Does every member of the crew get the  
21 same schedule?

22 MS. JOINER: Objection to form.

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1 A. I'm not sure.

2 BY MS. MEYER:

3 Q. Who prints it out?

4 A. The company.

5 Q. Who at the company?

6 A. There's a board at the back door of  
7 the building that explains what's going on with  
8 the runs, where to find a doctor, where to find a  
9 dentist. It's an information board.

10 Q. It's like a bulletin board?

11 A. Yes.

12 Q. And where is the bulletin board  
13 located?

14 A. Normally at the back door.

15 Q. Back door of what?

16 A. Of the building.

17 Q. What building?

18 A. Wherever they're playing. It's in an  
19 easily accessible areas for emergency.

20 Q. And who prepares this document we're  
21 talking about?

22 A. Management.

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1 Q. Who at management?

2 A. I don't know who at management.

3 Q. What kind of information is on the  
4 document we're talking about?

5 A. It tells about the estimated time of  
6 trip, what railroad it's on, where the stocks will  
7 be set, where the coaches will be set.

8 Q. Sorry. Estimated time of trip?

9 A. Right.

10 Q. Which rail?

11 A. Which railroad will be pulling it.  
12 Which engines.

13 Q. What else?

14 A. What time it arrives. What time the  
15 unloading would be for the animals. Just general  
16 information.

17 Q. And would it also have the water  
18 schedule on it for watering the animals?

19 A. If it's water stops. Yes.

20 Q. And is that done for every venue?

21 A. Yes.

22 Q. So there's a new printout of the



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1 schedule for every venue?

2 A. Yes.

3 Q. And this is true for the blue unit?

4 A. Yes.

5 Q. And has this been true for the last 10  
6 years?

7 A. As long as I can remember.

8 Q. Has it been true since 1994?

9 A. Yes.

10 Q. And how many different venues are  
11 there a year pretty much?

12 A. 40 something normally.

13 Q. And so that document has basically the  
14 schedule that the crew would follow in going from  
15 one venue to another venue; is that correct?

16 A. Pretty much. Yes.

17 Q. Is that document prepared on a  
18 computer?

19 A. Pardon?

20 Q. Is it prepared on a computer? Is it a  
21 computerized document?

22 A. I would image.

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1 Q. Well, you've seen them, haven't you?

2 A. Yes.

3 Q. Can you tell whether or not they're  
4 prepared on a computer?

5 A. I would imagine everything is prepared  
6 on a computer as far as I know.

7 Q. So Ringling Brothers has to get  
8 permission from a rail company to travel on the  
9 tracks from one venue to another, correct?

10 MS. JOINER: Objection to form.

11 MS. MEYER: What's the objection?

12 MS. JOINER: Permission.

13 A. They buy it.

14 BY MS. MEYER:

15 Q. They buy it? They have to make  
16 arrangements with the rail company to travel on  
17 the tracks, correct?

18 A. Yes.

19 Q. How is that done?

20 A. I do not know. We have a large  
21 transportation department that takes care of that.

22 Q. Who is the head of the transportation

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1 department?

2 A. The person that does that normally is  
3 a guy named Joe DeMike.

4 Q. Joe DeMike?

5 A. Yes.

6 Q. How do you spell the last name?

7 A. D-E-M-I-K-E.

8 Q. And if the train is going to stop  
9 somewhere along the way from one venue to another,  
10 does the rail company have to be notified of that?

11 A. Yes. That's the only way you're going  
12 to stop is if the engineer stops it. Yes.

13 Q. Is that something that would be  
14 denoted on this schedule that we talked about that  
15 the crew gets?

16 A. Yes.

17 Q. Does the rail company have to be  
18 notified of when the train arrives at a new venue?

19 A. The railroad yard would. Yes.  
20 Because you have to store the trains in different  
21 places.

22 MS. MEYER: I'd like to have this

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1 marked as an exhibit.

2 (FEI Deposition Exhibit No. 12 marked for  
3 identification.)

4 MS. MEYER: So I have had an exhibit  
5 handed to you that's been marked Exhibit No. 12,  
6 and for the record, it's a document that was  
7 produced by the defendant in this case with the  
8 Bates label Feld 0004065. I'm going to ask you to  
9 take a look at that?

10 A. (The witness complies.)

11 BY MS. MEYER:

12 Q. Have you taken a look at it?

13 A. Yes.

14 Q. Is this an example of one of the  
15 documents you were talking about that's posted on  
16 the back door?

17 A. I'm not sure. They also have another  
18 document but this would be one of them. Yes.

19 Q. So you're familiar with this kind of  
20 document; is that correct?

21 A. Yes. Sort of.

22 Q. Because I'm hoping you can help me

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1 decipher what's on here. So I'd like to kind of  
2 walk through it with you and see if you can answer  
3 my questions about it and for the record, this  
4 exhibit is titled blue unit  
5 schedule-transportation order. This one is dated  
6 06/02/04 and up in the right-hand corner it has  
7 the name J. William Misiura. Do you see that?

8 A. Bill Misiura. Yes.

9 Q. And he's identified as the director of  
10 transportation. Would that be for the Circus?

11 A. Yes.

12 Q. But he's no longer the director of  
13 transportation?

14 A. No. He still is. Joe DeMike works  
15 for him.

16 Q. I see. Okay.

17 A. This is a few years old, right?

18 Q. This is dated 2004. This has a lot of  
19 information on it. It says departure Monday,  
20 June 14, 2004 from station Wilkesborough,  
21 Pennsylvania and then it has a route with a bunch  
22 of names and it looks like rail companies on it

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1 and then it says to station Wichita Falls, Texas.

2 Do you see that?

3 A. Uh-huh.

4 Q. And then over on the right-hand column  
5 right opposite of where it says Wichita Falls,  
6 Texas it says 1,961 miles. Do you see that?

7 A. Yes.

8 Q. So that 1,961 miles would connote the  
9 mileage from Wilkesborough, Pennsylvania to  
10 Wichita Falls, Texas; is that correct?

11 A. I believe so.

12 Q. Where it says route and then it has  
13 some names of it looks like companies, are those  
14 the rail companies? See where it says LNS,  
15 Wilkesborough; CP, Harrisburg; NS, Kansas City;  
16 DNSF, Wichita Falls; WKTJR, are those -- those are  
17 rail companies?

18 A. Yes.

19 Q. So were those the rail companies that  
20 Ringling Brothers has to get permission or has to  
21 pay in order to use the tracks?

22 A. Yes. They employ them. We use their

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1 engines.

2 Q. So explain how that works to me?

3 A. Different engines go in different  
4 parts of the country on different tracks and we  
5 rent the engines to pull the train.

6 Q. And those are the companies you rent  
7 the engines from?

8 A. Some of them.

9 Q. Once you have the engines, then you  
10 are you allowed to use the tracks for a certain  
11 period of time?

12 A. Yes.

13 Q. It says transportation order at the  
14 top. What does that mean?

15 A. It's just explaining where they're  
16 going to be at certain times if it's on the  
17 schedule.

18 Q. Was is an order from someone to  
19 someone else?

20 MS. JOINER: Objection to form.

21 A. Bill Misiura sets it up, and this is  
22 for everybody to look at to see where they're

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1 going to be at certain times.

2 Q. So it's an order directed to the crew  
3 then?

4 A. Yes. More or less.

5 Q. And it's a regular practice of  
6 Ringling Brothers to prepare these documents; is  
7 that correct?

8 A. Yes.

9 Q. Are they kept in the course of  
10 Ringling Brothers regularly-conducted business?

11 A. Pardon?

12 Q. Are they maintained in the course of  
13 the company's business?

14 A. They would be. Yes.

15 Q. Do you know what any of these rail  
16 company acronyms stand for?

17 A. No, I do not.

18 Q. Particularly looking at the left-hand  
19 column of this document where it as LNS, then it  
20 says CP, NS, do you see those?

21 A. Yes.

22 Q. Abbreviations. Do you know what those



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1 stand for?

2 A. No, I do not.

3 Q. It says at the top of the document  
4 just under Wichita Falls, Texas the circus train  
5 master is Gene Pettis. Do you see that?

6 A. Yes.

7 Q. Is Gene Pettis still the train master?

8 A. I believe not.

9 Q. Do you know who the train master is  
10 for the blue unit?

11 A. No, I do not.

12 Q. Who would know that?

13 A. Any number of people.

14 Q. Would David Polke know that?

15 A. Sure.

16 Q. Who else would know that when you say  
17 any number of people?

18 A. Jim Andacht.

19 Q. All right. And it says, "Please  
20 monitor the progress of the circus train to assure  
21 crews are available." Do you see that?

22 A. Yes.

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1 Q. Who is that directed to?

2 A. I'm not sure.

3 Q. All right. Now it says, just going  
4 down this document a couple of lines under that  
5 double line there at the top it says, "Train  
6 loaded and ready for switching." Do you see that?

7 A. Yes.

8 Q. Do you know what that means?

9 A. That means they're ready to switch  
10 over onto the main tracks.

11 Q. Switch over from where?

12 A. From the siding that they're on where  
13 they're unloading.

14 Q. Does it mean the train is loaded with  
15 the animals on it?

16 A. Yes.

17 Q. Then it has the time there in the  
18 right-hand column and I assume that's military  
19 time, correct?

20 A. Yes.

21 Q. So, for example, when it says train  
22 loaded and ready for switching, then it says 00:01

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1 Monday, 06/14/04, that means the train was loaded  
2 and ready for switching at 12:01 a.m. on that  
3 date?

4 MS. JOINER: Objection to form.

5 A. I have to look at my watch.

6 MS. MEYER: Did I get the military time  
7 wrong; is that why you're objecting?

8 MS. JOINER: No. You were asking him  
9 if this was after, I thought, but I don't think I  
10 understood that correctly.

11 BY MS. MEYER:

12 Q. I'm just asking you, if you read this  
13 column it says train load and ready for switching  
14 and then if you read across it says the time,  
15 00:01, then it says Monday, 06/14/04. And I'm  
16 asking you what does that mean?

17 A. I'm not sure.

18 Q. Do you know military time?

19 A. No, not unless I look at my watch.

20 Q. You can look at your watch. That's  
21 fine with me.

22 A. My watch must not be military.

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1 Q. Well, I believe 00:01 is 12:01 a.m.

2 We can check that, that's not a problem. You  
3 agree this is military time on here, right?

4 A. Yes. Or Greek.

5 Q. So at that point in time, again, the  
6 animals are loaded onto the train when it says  
7 train load and ready for switching, correct?

8 A. Yes.

9 Q. Then when it says a few lines down  
10 depart Wilkesborough, Pennsylvania and it has the  
11 time over in that right-hand column it says  
12 5 o'clock right there, Monday, 06/14/04, that  
13 would be the time that the train actually starts  
14 moving?

15 MS. JOINER: Objection to form.

16 A. I'm not sure.

17 BY MS. MEYER:

18 Q. What is meant by depart Wilkesborough,  
19 Pennsylvania?

20 A. That sounds like when the train  
21 leaves.

22 Q. Okay. When it leaves Wilkesborough,

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1 correct?

2 A. Right.

3 Q. Just below that it says arrive  
4 Harrisburg and then it says at the end of that  
5 line, deliver to NS. Do you know what that means?

6 A. I would assume that's another engine  
7 or track.

8 Q. Well, the train, correct me if I'm  
9 wrong, but the animals aren't getting off the  
10 train and getting into new train cars, are they?

11 A. No, they're not.

12 Q. But they may be getting onto tracks  
13 that are owned by different rail companies?

14 A. It could be.

15 Q. Then a couple of lines down from there  
16 it says, arrive Altoona, Pennsylvania, crew  
17 change, water animals. Do you see that?

18 A. Yes.

19 Q. And does that mean the animals were  
20 given water at that point in time?

21 A. It may. In the old days, they used to  
22 stop the train twice a day to water. Now they

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1 have ample water in the cars but when they do  
2 stop, they do refill the tanks normally.

3 Q. But that's at a point in time when the  
4 animals would be given water, correct?

5 A. They may have already been watered  
6 before then.

7 Q. Oh, I see okay. Then nine lines down  
8 from that, again, it says arrive New Haven, crew  
9 change. It says water animals. Do you see that?

10 A. Yes.

11 Q. Then just below that it says, rest  
12 animals?

13 A. Yes.

14 Q. Do you see that? What does that mean?

15 A. They must have taken the elephants off  
16 the cars.

17 Q. And that's what is denoted by the word  
18 rest animals?

19 A. That's what I believe it means?

20 Q. That means the animals actually got  
21 off the train?

22 A. Just the elephants.

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1 Q. Just the elephants. How do you know  
2 that?

3 A. I don't think they take the zebras and  
4 other things off. I think it's just the  
5 elephants.

6 Q. So when it says rest animals, that  
7 means the elephants got off the train at that  
8 point in time, correct?

9 A. I believe so. Yes.

10 Q. And these, right before the hours in  
11 the, that says when each of these events occurred  
12 it says EDT, CDT, I assume those are time zones,  
13 correct, like Eastern Daylight?

14 A. Central Daylight. Yes.

15 Q. Right? Those are time zones?

16 A. They should be.

17 Q. And do you know given that they're  
18 crossing different time zones, do you know how  
19 that affects the column where the time is listed,  
20 would that be taken into account?

21 A. I do not know.

22 Q. That's something the director of

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1 transportation could answer, right?

2 A. Certainly.

3 Q. And you think Mr. Polke could answer  
4 that question?

5 A. No.

6 Q. If you go sort of way down to the  
7 bottom of the column it says at one point, arrive  
8 Wichita Falls, Texas, deliver coaches to WTJR. Do  
9 you see that? It's almost at the very end right  
10 before it says lock and blue flag storage?

11 A. Yes.

12 Q. And that would be the arrival time of  
13 the train at the new venue in Wichita Falls,  
14 correct?

15 A. Yes.

16 Q. And the arrival time on this document  
17 says 9:15, and that would be 9:15 a.m. on June  
18 17th '04; is that correct?

19 A. Yes.

20 Q. And then it says, all cars spotted.  
21 Do you see that?

22 A. Yes.



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1 Q. What does that mean?

2 A. It could mean several different  
3 things. They spot cars in different places,  
4 sometimes they spot the stock cars close so the  
5 walk is not as far, sometimes the coaches are  
6 spotted 10 miles away, sometimes the flats are  
7 spotted close and moved 10 miles.

8 Q. I don't even know what spotted means.  
9 What does spotted mean?

10 A. Put in a spot where they can unload  
11 things from them, normally or put in a spot where  
12 their going to stay for the duration of the venue.

13 Q. You used several different terms when  
14 you were answering my question. You said stock  
15 car and coach cars. What is a stock car?

16 A. That's where the animals ride, in this  
17 case, elephants.

18 Q. And how do you know it's just  
19 elephants?

20 MS. JOINER: Objection to form.

21 A. I'm only talking about elephants,  
22 right?

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1 BY MS. MEYER:

2 Q. Well, is this schedule only pertaining  
3 to the elephants?

4 A. No. It's all of the animals, all the  
5 cars.

6 Q. And you said coach cars, what does  
7 that mean?

8 A. That would be where people live, the  
9 pike car.

10 Q. So that's the human beings basically?

11 A. Pretty much.

12 Q. So when it says all cars spotted, are  
13 the elephants still on the train?

14 A. I do not know.

15 Q. Who would know the answer to that  
16 question?

17 A. I'm not sure.

18 Q. Well, the director of transportation  
19 would know the answer to that question?

20 A. I'm not certain of that.

21 Q. Would Jim Andacht know the answer to  
22 that question?

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1 A. Probably not. Joe DeMike would know.

2 Q. Is it possible that the elephants are  
3 still on the train when it says all cars spotted?

4 A. Yes.

5 Q. And when they're on the train, they're  
6 in chains, correct?

7 A. They're tied up. Yes.

8 Q. And then once the train arrives and  
9 all cars have been spotted, that's when this  
10 procedure we talked about earlier kicks in that  
11 occurs when a train arrives at a new venue; is  
12 that correct?

13 A. Yes.

14 MS. JOINER: Objection to form.

15 BY MS. MEYER:

16 Q. That's when the police have to arrive,  
17 correct?

18 A. Correct.

19 Q. And the crew has to get there,  
20 correct?

21 A. Unless they have gone over land.

22 Q. And those things have to occur before

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1 the elephants can get off the train; is that  
2 correct?

3 A. Right.

4 Q. I see Joe DeMike, he's listed down  
5 here, I see that, transportation manager. That's  
6 who you were talking about?

7 A. Yes.

8 Q. What is meant by lock and flag storage  
9 tracks?

10 A. I do not know.

11 Q. Who would know that?

12 A. Probably Joe DeMike.

13 MS. MEYER: I've got another document  
14 I'd like you to take a look at.

15 (FEI Deposition Exhibit No. 13 was marked for  
16 identification.)

17 BY MS. MEYER:

18 Q. So I have handed you a document that's  
19 been marked Exhibit 13. It is a document that was  
20 produced by defendant in this case with the Bates  
21 label Feld 0004056. And for the record, it is  
22 another blue unit schedule transportation order.

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1 This one is dated June 6, 2004. Do you see that?

2 A. Yes.

3 Q. And this concerns a trip that the  
4 train -- that the circus took from Washington,  
5 D.C. to Charleston, West Virginia; is that  
6 correct?

7 A. Yes.

8 Q. And this looks like a much shorter  
9 trip. It says it's 453 miles, correct?

10 A. Yes.

11 Q. That's a lot shorter than the last  
12 trip we were talking about, right?

13 A. Yes.

14 Q. And again, it says train loaded and  
15 ready for switching at the top?

16 A. Yes.

17 Q. And it has a time over here which is  
18 military time for 8 o'clock p.m., Monday, April  
19 21, 2003, correct?

20 A. Right.

21 Q. Then I see down here a ways it says  
22 arrive Elmore, West Virginia, crew change, water

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1 animals, head for cars. Do you see that?

2 A. Yes.

3 Q. And that happened at 17:15, which is  
4 5:15 p.m. on April 22nd, 2003; is that correct?

5 A. Yes.

6 Q. And then I don't see anything about a  
7 rest period here at all. Do you see anything  
8 about a rest period?

9 A. No. There wouldn't be.

10 Q. Why not?

11 A. It's a short distance.

12 Q. So if it's shorter distance, there  
13 would not be a rest period, correct?

14 A. Right.

15 Q. If there had been a rest during this  
16 trip, it would be on here as a rest period,  
17 correct?

18 A. Yes.

19 Q. Then I see arrive Charleston, West  
20 Virginia, 1:30 a.m. Wednesday, 4/23/03, correct?

21 A. Yes.

22 Q. That would be the time the train

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1 finally arrived in Charleston, West Virginia; is  
2 that right?

3 A. Right.

4 Q. And then the rest of these phrase is  
5 spot coaches, that's the same as the phrase you  
6 explained to me earlier on the last document?

7 A. Correct.

8 Q. All cars spotted is the same as you  
9 explained to me before, correct?

10 A. Yes.

11 Q. And at that point in time when all  
12 cars are spotted again, the elephants could still  
13 be on the train at that point; is that correct?

14 A. Yes.

15 MS. MEYER: Okay. I've got another one  
16 I'm going to ask you about. Can you mark that  
17 Exhibit 14.

18 (FEI Deposition Exhibit No. 14 was marked for  
19 identification.)

20 MS. MEYER: You've been handed what's  
21 been marked Exhibit 14, which is a document  
22 produced by the defendant with the Bates label

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1 Feld 0004052, and it is another blue unit schedule  
2 transportation order, this one is dated 6/06/04  
3 and it concerns a trip from Waco, Texas to Dallas  
4 Texas. Do you see that?

5 A. Yes.

6 Q. That's a very short trip, that's 120  
7 miles. Do you see that?

8 A. Yes.

9 Q. And what I wanted to ask you about on  
10 this document is you see about five lines down in  
11 the schedule it says animals board train?

12 A. Yes.

13 Q. Which I didn't see on the other  
14 documents. What does that mean?

15 A. Well, I believe they stayed overnight  
16 and loaded in the morning.

17 Q. Okay. Because earlier it says train  
18 loaded and ready for switching, and I thought you  
19 explained to me that meant the animals were on the  
20 train?

21 MS. JOINER: Objection to form.

22 A. That's what I thought it meant.



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1 MS. MEYER: Okay.

2 A. But it could be they hooked it all up  
3 and then they walked the elephants and loaded them  
4 in the morning.

5 BY MS. MEYER:

6 Q. That's why it says animals board  
7 train?

8 A. That would be the various. Yes.

9 Q. So in a situation where that had  
10 occurred, it would say animals board train on the  
11 schedule?

12 A. It does on this one. That's not a  
13 normal procedure. Normally it's loaded the night  
14 before.

15 MS. MEYER: All right. Okay. I've got  
16 one more of these I want to ask you about.

17 (FEI Deposition Exhibit No. 15 was marked for  
18 identification.)

19 BY MS. MEYER:

20 Q. And Exhibit 15 is also a document  
21 produced by defendant marked Bates label Feld  
22 0003551. It is also blue unit schedule

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1 transportation order, this one for June 3rd, 2004.

2 Do you see that?

3 A. Yes.

4 Q. And this is an even shorter trip it's  
5 from East Rutherford, New York to Uniondale,  
6 Garden City, New York. Do you see that?

7 A. Uh-huh.

8 Q. And what I wanted to ask you about  
9 that is you see there's a second column of times  
10 over on the right-hand side?

11 A. Yes.

12 Q. What does that mean?

13 A. I don't have a clue.

14 Q. Oh, okay?

15 MS. JOINER: I'm sorry. Where were you  
16 at?

17 MS. MEYER: On the very far right.

18 MS. JOINER: Oh, on the times.

19 MS. MEYER: An additional column of  
20 times.

21 BY MS. MEYER:

22 Q. You don't know what that means?

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1 A. I don't.

2 Q. Who would know what that means?

3 A. Joe DeMike would know.

4 MS. MEYER: All right. Let's take a  
5 break.

6 MS. JOINER: I have something that I  
7 want to point out to you about these documents. I  
8 don't know if you want to do that on or off the  
9 record, the witness can leave the room but it's up  
10 to you.

11 MS. MEYER: Boy, that sounds ominous.

12 MS. JOINER: It's not ominous. I just  
13 want to clarify something with you.

14 MS. MEYER: Then let's have the witness  
15 leave the room.

16 MS. JOINER: Okay. Then let's do that.  
17 And it's fine with me if you want it to stay on  
18 the record. I'm fine with that. It's your  
19 preference.

20 THE VIDEO OPERATOR: This marks the end  
21 of videotape No. 3 of the deposition of Gary  
22 Jacobson representing Feld Entertainment

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1 Incorporated. Going off the record. The time is  
2 2:51 p.m.

3 This marks the beginning of videotape 4 of  
4 the deposition of Gary Jacobson representing Feld  
5 Entertainment, Incorporated. Going back on the  
6 record. The time is 2:56 p.m.

7 BY MS. MEYER:

8 Q. Mr. Jacobson, if you will turn back to  
9 Exhibit 12 which is the Wilkesborough,  
10 Pennsylvania to Wichita Falls, Texas  
11 transportation order. I just want to make it  
12 clear, for the record, that this trip occurred,  
13 departure date was Monday, June 14, 2004 and the  
14 arrival date was June 17, 2004; is that correct?

15 A. Yes.

16 Q. Okay. And if you would look at  
17 Exhibit 13 which is the transportation order for  
18 the trip from Washington, D.C. to Charleston, West  
19 Virginia, the departure date was Monday, April  
20 21st, 2003 and the arrival date was April 23,  
21 2003; is that correct?

22 A. Yes.

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1 Q. And if you look at Exhibit 14 which is  
2 the transportation order for Waco, the trip from  
3 Waco, Texas to Dallas, Texas, the departure date  
4 was July 30th, 2001 and the arrival date was  
5 August 1st, 2001; is that correct? I'm sorry. No  
6 it isn't. Arrival, 7/31/01, correct?

7 A. Yes.

8 Q. And if you look at Exhibit 15 which is  
9 the transportation order from the trip to East  
10 Rutherford to Uniondale, Garden City, New York,  
11 the departure date was March 6, 2000 and the  
12 arrival date was the same date, March 6, 2000,  
13 correct?

14 A. Yes.

15 Q. Mr. Jacobson, what is the role of  
16 Nicole among the elephants on the blue unit?

17 A. What do you mean role?

18 Q. Does she have any particular role  
19 among the elephants?

20 A. She's a nice, stable, gentle  
21 performing elephant. She paints. She can be  
22 taken by herself. She's just a nice elephant.

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1 Q. Do the other elephants enjoy  
2 interacting with her?

3 A. Some of them.

4 Q. Which ones?

5 A. She lives primarily with Karen.

6 Q. Any of the other elephants that she  
7 interacts with?

8 A. Not a lot, no.

9 Q. Have she and Karen been together for a  
10 long time?

11 A. Quite a while.

12 Q. Does Karen have any special role among  
13 the elephants?

14 A. She's similar to the Nicole. She's a  
15 nice steady older elephant.

16 Q. Is Nicole going to stay on the blue  
17 unit for a while?

18 A. Yes.

19 Q. How long will she be on the blue unit?

20 A. Probably as long as there's a blue  
21 unit.

22 Q. Really?

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1 A. Yes.

2 Q. And she's about 31 years old right  
3 now; is that correct?

4 A. Yes.

5 Q. So you see her say staying on the blue  
6 unit for some period of time?

7 A. Yes.

8 Q. And what about Karen, is she going to  
9 stay on the blue unit for a while?

10 A. Yes.

11 Q. And she's about 38, 39 years old; is  
12 that correct?

13 A. Yes.

14 Q. So you see her staying on the blue  
15 unit for the foreseeable future?

16 A. Yes.

17 Q. Now, what about is it possible that  
18 either Nicole or Karen may be transferred to the  
19 gold unit at some point?

20 A. No.

21 Q. Why not?

22 A. Basically we need more, not less

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1 elephants on the blue show.

2 Q. Why do you say you need more?

3 A. It's nice to have more.

4 Q. And is there a possibility that Nicole  
5 or Karen would be transferred to the red unit?

6 A. No.

7 Q. And is there any possibility that Zina  
8 may go back out on the road?

9 A. No.

10 Q. What about Jewell?

11 A. No.

12 Q. What about Susan?

13 A. No.

14 Q. What about Mysore?

15 A. No.

16 Q. What about Lutzi?

17 A. No.

18 Q. Is there any possibility that any of  
19 those five elephants may be sent somewhere else?

20 A. We have no plans at this time to send  
21 them anywhere.

22 Q. Are you familiar with the routine



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1 that's used to bathe the elephants on the blue  
2 unit?

3 A. Yes.

4 Q. Are the elephants still chained when  
5 they're bathed on the blue unit?

6 A. Seldom.

7 Q. Are they sometimes, though?

8 A. Not the ones that we're speaking  
9 about. No.

10 Q. When we were going over the  
11 transportation records earlier, the transportation  
12 orders, I thought you said before we got to those  
13 that there's some other kind of document that has  
14 the schedule on it that is sometimes posted for  
15 the crew; is that correct?

16 A. I thought it was different, maybe it's  
17 this one.

18 Q. Is the documents that I showed you the  
19 kind of documents you were thinking of though?

20 A. Sort of. The format is somewhat  
21 different.

22 Q. How is the format different?

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1 A. I don't know. I'll have to look at it  
2 when I get home. I'm not much on papers.

3 Q. Are you familiar with the daily  
4 performance records that were prepared for the  
5 blue unit? Do you know what I'm talking about?

6 A. The show performance records?

7 Q. Is that what they're called?

8 A. I think that's what they are.

9 Q. Can you tell me what those documents  
10 are?

11 A. I have seen one or two of them some  
12 years ago.

13 Q. So you don't know who prepares them?

14 A. No, I do not.

15 Q. You don't know who those records are  
16 distributed to?

17 A. No, I'm, not to me, I know that.

18 Q. Who on the blue unit would know that  
19 information?

20 A. Jim Andacht.

21 Q. Is Jim Andacht responsible for the  
22 blue unit?

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1 MS. JOINER: Objection to form.

2 A. Right now, he's acting general  
3 manager.

4 BY MS. MEYER:

5 Q. How long has Jim Andacht been acting  
6 general manager of blue unit?

7 A. Five or six weeks.

8 Q. Did he take someone's place as the  
9 general manager?

10 A. Someone left. He's the vice president  
11 that fills in.

12 Q. Is he filling in for Mike Hayward?

13 A. No.

14 Q. Who is he filling in for? I mean, who  
15 left. Let me say it that way?

16 A. A general manager.

17 Q. Who is that?

18 A. I don't know his name. I never met  
19 him.

20 Q. You don't know who the general manager  
21 of the blue unit was prior to five or six weeks  
22 ago?

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1 A. He was only there a couple of weeks.

2 I never met him.

3 Q. Who would know his name?

4 A. Jim Andacht.

5 Q. Would David Polke know his name?

6 A. Maybe.

7 Q. Why was he only there for such a short  
8 period of time?

9 A. He didn't get along.

10 Q. Who didn't he get along with?

11 A. Jim Andacht.

12 Q. Was Jim Andacht on the show at the  
13 time?

14 A. Yes.

15 Q. Is this something that occurred at  
16 winter quarters?

17 A. Yes.

18 Q. So this was somebody who had been  
19 recently hired to be the general manager who came  
20 to winter quarters; is that correct?

21 A. Yes.

22 Q. And did he stay through winter

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1 quarters?

2 A. No.

3 Q. He did not. He didn't last through  
4 winter quarters?

5 A. No.

6 Q. Do you know anything about this  
7 individual?

8 A. No, nothing.

9 Q. You didn't meet him?

10 A. I've never met him.

11 Q. And who was the general manager before  
12 this individual that we're speaking of?

13 A. Jim Andacht.

14 Q. For the blue unit?

15 A. Yes.

16 Q. How long had he been general manager  
17 for the blue unit?

18 A. Four or five months probably.

19 Q. So is the blue unit looking to hire a  
20 new general manager?

21 A. Yes.

22 Q. Has it chosen a new general manager

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1 yet?

2 A. Not that I know of.

3 Q. Is anybody within the company right  
4 now being considered for that position?

5 A. Not that I know of, no.

6 Q. So that means Jim Andacht was  
7 traveling with the blue unit for some period of  
8 time; is that correct?

9 A. Yes.

10 Q. When was he traveling with the blue  
11 unit?

12 A. I'm not sure.

13 Q. Would he have been traveling with the  
14 blue unit the entire time he was the general  
15 manager?

16 A. I think not, no.

17 Q. Does the general manager of the blue  
18 unit usually travel with the rest of the blue  
19 unit?

20 A. Yes.

21 Q. Can you tell me the total amount of  
22 time that the elephants on the blue unit, and I'm

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1 speaking of Karen and Nicole, are actually  
2 performing when there's a show?

3 A. You mean, on the floor? In the arena?

4 Q. Well, do they perform somewhere else?

5 A. No.

6 Q. Yes. On the floor, in the arena?

7 A. Maybe 10 minutes.

8 Q. Is that true for each show?

9 A. Would be the same for each show. Yes.

10 Q. And is there a policy at the blue unit  
11 regarding written reprimands of employees for  
12 misconduct?

13 A. I believe they may do that there.

14 Q. You're not familiar with the policy?

15 A. No.

16 Q. Would Mr. Andacht be familiar with the  
17 policy?

18 A. Yes.

19 Q. Would Mr. Polke be familiar with the  
20 policy.

21 A. Probably. Yes.

22 Q. Who at Feld Entertainment is

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1 responsible for monitoring the health of the  
2 elephants?

3 A. The elephant superintendent, a general  
4 manager such as myself, senior handlers, five  
5 veterinarians, simple vet techs, quite a number of  
6 people actually look at them.

7 Q. Who at the company is responsible for  
8 ensuring that the elephants are well cared for?

9 A. All of the people that I just  
10 mentioned.

11 Q. Anyone else?

12 A. Not really?

13 Q. Well, does Mr. Andacht has  
14 responsibility for ensuring the animals are well  
15 cared for, right?

16 A. Yes. People would report to him.

17 MS. MEYER: All right. I actually  
18 need to take a break, then I may have one last  
19 area of questioning I want to do, then I'll be  
20 done.

21 MS. JOINER: Okay.

22 THE VIDEO OPERATOR: We're going off



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1 the record. The time is 3:09 p.m.

2 We're going back on the record. The time is  
3 3:18 p.m.

4 MS. MEYER: What I want to do,  
5 Mr. Jacobson, is I want to show you some video  
6 footage and the only reason I'm showing you this  
7 is so you can hopefully help me identify some of  
8 the individuals that we see on the videotape,  
9 that's the only reason I'm showing it to you.

10 A. What do you mean by individuals?

11 Q. If there's a person on the video and  
12 you know who it is, I want you to tell me. That's  
13 all. So we're going to start with, the first one  
14 is footage that was produced by the defendants.  
15 It has a Bates label of FEI 45204 it says No. 1  
16 and then it's dated 12/10/2001. Tape 1 of 10.  
17 Why don't we go ahead and have that marked as an  
18 exhibit.

19 (FEI Deposition Exhibit No. 16 was marked for  
20 identification.)

21 MS. MEYER: So what I would like to do  
22 is I'm going to have my paralegal show you, we're

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1 going to run through a little clip and then she's  
2 going to back it up and then I'm going to say, can  
3 you tell me who that person is, so we can figure  
4 out if we can identify some of these individuals.  
5 Okay.

6 A. Okay.

7 BY MS. MEYER:

8 Q. Okay. Go ahead (video plays). Do you  
9 know who that is?

10 A. Sarah Houcke.

11 MS. SINNOTT: On the tape the time  
12 stamp is 15 minutes and 11 seconds through 15  
13 minutes and 25 seconds.

14 MS. MEYER: So I'd like the record to  
15 show that on this tape, Mr. Jacobson identified  
16 Sarah Houcke at that place on the tape that was  
17 just red into the record 15:11 to 15:25. Okay.  
18 And the next.

19 MS. JOINER: Is there audio to this?

20 MS. SINNOTT: There is. I just turned  
21 it up a little.

22 MS. MEYER: So now we're going to go to

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1 the second clip.

2 MS. SINNOTT: We're not there yet.  
3 Here we are (video plays). Okay. That was the  
4 clip.

5 BY MS. MEYER:

6 Q. Was that also Sarah Houcke that you  
7 saw?

8 A. Yes.

9 MS. MEYER: So let the record show that  
10 the witness identified Sarah Houcke at the second  
11 clip which is at what place on the tape.

12 MS. SINNOTT: 16 minutes and 7 seconds  
13 through 16 minutes and 20 seconds.

14 MS. JOINER: How are you getting the  
15 time stamp off of there?

16 MS. SINNOTT: It will say and it's a  
17 range, so in case. Are we ready for the next one.

18 MS. MEYER: Sure. Third clip.

19 MS. SINNOTT: Okay. Starting here  
20 (video plays). And that was the clip.

21 BY MS. MEYER:

22 Q. Was that also Sarah Houcke?

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1 A. Yes.

2 Q. And what's the time stamp for that,  
3 Michelle?

4 MS. SINNOTT: 18 minutes and 15 seconds  
5 through 18 minutes and 30 seconds. And that's it  
6 for this tape.

7 MS. MEYER: So the second footage is  
8 one that was also produced by Feld Entertainment  
9 it's labeled FEI 45196 and it's dated 12/15/03.  
10 So if we could make that the next exhibit.

11 (FEI Deposition Exhibit No. 17 was marked for  
12 identification.)

13 MS. MEYER: And again, I just want you  
14 to identify these individuals. We're ready for  
15 the next clip.

16 MS. SINNOTT: The clip starts now  
17 (video plays). Okay. That's the end of that  
18 clip.

19 BY MS. MEYER:

20 Q. Do you recognize the lady in the hat?

21 A. That's a lady?

22 Q. Maybe it's not a lady. A person in

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1 the hat.

2 A. Go back a little bit. What year is  
3 this?

4 MS. MEYER: It's labeled 2003 (video  
5 replays). That's definitely not a -- that's a  
6 man.

7 BY MS. MEYER:

8 Q. Do you know who it is?

9 A. I can't tell.

10 MS. MEYER: Can you back it up a little  
11 bit and just play it one more time, Michelle  
12 (video replays).

13 BY MS. MEYER:

14 Q. You don't know who that is?

15 A. I cannot tell who that is. I don't  
16 know.

17 Q. All right. We have a second clip on  
18 this footage. The second clip begins now (video  
19 plays). That's the end of it. Can you identify  
20 any of these individuals here? You want to back  
21 up a little bit, Michelle, so he can see who we're  
22 talking about?

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1 A. You want all of them identified?

2 Q. Sure.

3 A. The first one is Alex Vargas.

4 Q. That's Alex Vargas in the front of the  
5 line?

6 A. Yes.

7 Q. Okay. He's holding onto an elephant's  
8 ear, right, on that shot, right?

9 A. Yes.

10 MS. MEYER: What's the time stamp for  
11 that, Michelle?

12 MS. SINNOTT: It's 12:10, this  
13 particular time stamp.

14 Q. Okay. And the next person?

15 A. That's all I have. I can't tell who  
16 that is.

17 Q. The next person?

18 A. The guy in the blue shirt is Pat.

19 Q. Pat Harned at the end on the right?

20 A. In the blue shirt.

21 Q. Right. In the blue shirt. Okay.

22 A. Then I can't see from here.

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1 Q. Can you see the person in front of Pat  
2 Harned who that is with the hat on?

3 A. No.

4 MS. MEYER: Why don't you back it up  
5 and play it one more time, Michelle, see if that  
6 helps. (The witness complies.)

7 A. The one guy scratching his head is  
8 Jeff Pettigrew.

9 Q. Okay. Can you see the guy standing  
10 behind the guy with the hat on?

11 A. I don't know.

12 Q. Can you back it up?

13 A. I can't see that. The guy behind Alex  
14 is Icham.

15 Q. Oh, that's Icham the one behind Alex.

16 A. That's Jeff Pettigrew scratching his  
17 head.

18 Q. So Jeff Pettigrew is the guy with the  
19 baseball cap on?

20 A. Yeah. And I can't tell who the other  
21 guy is.

22 Q. And Icham is the one behind Alex

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1 Vargas?

2 A. The guy that's looking at us.

3 MS. MEYER: What's the time stamp for  
4 this clip, Michelle.

5 MS. SINNOTT: 12:15.

6 BY MS. MEYER:

7 Q. Anybody else you can identify in that  
8 clip?

9 A. No.

10 MS. SINNOTT: That's the end of this  
11 tape.

12 MS. JOINER: I suppose we should  
13 clarify, the time stamp is not actually on the  
14 screen itself, it's down below on the machine so  
15 when people are reading the transcript.

16 MS. MEYER: We only have one copy of  
17 this one, so you need to play it. Okay. So when  
18 we're done playing it, we'll have it marked as an  
19 exhibit and it will be Exhibit 18.

20 MS. JOINER: Is there a Bates number?

21 MS. MEYER: Yes. It's PL 07074. All  
22 right. Let's see the first clip.



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1 MS. SINNOTT: This is the first clip  
2 (video plays). That's the end of the clip.

3 BY MS. MEYER:

4 Q. Who is that individual?

5 A. Troy.

6 Q. That's Troy Metzler?

7 A. Yes.

8 Q. And what's the stamp for that?

9 MS. SINNOTT: The exact time is 37  
10 seconds.

11 MS. MEYER: I'm not sure what that  
12 means.

13 MS. SINNOTT: 00:37.

14 MS. MEYER: The entire clip is 20  
15 seconds through 36 seconds.

16 BY MS. MEYER:

17 Q. So that's Troy Metzler in that clip?

18 A. Yes.

19 Q. All right.

20 A. I might also add I don't see Karen or  
21 Nicole there either.

22 MS. SINNOTT: This is the beginning of

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1 this clip (video plays).

2 BY MS. MEYER:

3 Q. Is that also Troy Metzler?

4 A. I believe so.

5 Q. And what's the time stamp for that  
6 clip?

7 MS. SINNOTT: 1 minute and 15 seconds  
8 through 1 minute and 33 seconds?

9 MS. MEYER: Go to the next clip.

10 MS. SINNOTT: This begins the next clip  
11 (video plays). That's the end of that clip.

12 BY MS. MEYER:

13 Q. Okay. And that's also Troy Metzler,  
14 correct?

15 A. Yes.

16 Q. What's the time stamp for that one?

17 MS. SINNOTT: 1 minute and 39 seconds  
18 through 2 minutes. This is the next clip. (Video  
19 plays.) That's pretty much the end of that clip.

20 BY MS. MEYER:

21 Q. Keep playing it a little bit,  
22 Michelle. And that was Troy Metzler as well,

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1 correct?

2 A. Yes.

3 MS. MEYER: And what's the time stamp  
4 for that one?

5 MS. SINNOTT: 2 minutes and 3 seconds  
6 through 2 minutes and 20 seconds.

7 MS. MEYER: All right.

8 MS. SINNOTT: This is it (video plays).

9 BY MS. MEYER:

10 Q. Is that also Troy Metzler?

11 A. Yes.

12 Q. And what's the time stamp for that  
13 clip, Michelle?

14 MS. SINNOTT: 7 minutes and 55 seconds  
15 through 8 minutes and 4 seconds.

16 MS. MEYER: And the next clip (video  
17 plays). And that's that clip. Is that also Troy  
18 Metzler, Mr. Jacobson?

19 A. Yes.

20 Q. What's the time stamp for that one,  
21 Michelle?

22 MS. SINNOTT: 12 minutes 25 seconds

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1 through 12 minutes and 50 seconds.

2 MS. MEYER: And we're ready for the  
3 next clip (video plays). This is it. Is that  
4 Dave Whaley?

5 A. Yes.

6 Q. And what's the time stamp for that  
7 one?

8 MS. SINNOTT: 18 minutes through 18  
9 minutes and 23 seconds. I'm just going to play  
10 through to the next clip but this is not the next  
11 clip.

12 BY MS. MEYER:

13 Q. That's Dave Whaley with the broom?

14 A. Yes.

15 MS. SINNOTT: This is the next clip  
16 (video plays).

17 BY MS. MEYER:

18 Q. And that was Dave Whaley with the  
19 broom who just hit the elephant; is that correct?

20 A. Yes. He swung at her.

21 MS. MEYER: What's the clip time stamp  
22 for that one, Michelle?

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1 MS. SINNOTT: 18 minutes and 44 seconds  
2 through 19 minutes and 1 second.

3 MS. MEYER: Okay. And the next clip.

4 MS. SINNOTT: I'm playing through to  
5 the next clip but this isn't it.

6 MS. MEYER: All right.

7 MS. SINNOTT: This begins the next clip  
8 (video plays). That's the end of the clip.

9 BY MS. MEYER:

10 Q. Is that Troy Metzler?

11 A. I believe so. Yes.

12 MS. MEYER: What's the time stamp for  
13 that clip, Michelle?

14 MS. SINNOTT: 19 minutes and 20 seconds  
15 through 19 minutes and 48 seconds.

16 BY MS. MEYER:

17 Q. That's Troy Metzler in the sparklie  
18 top and the yellow pants, right?

19 A. Yes.

20 MS. MEYER: Next clip.

21 MS. SINNOTT: This begins the next clip  
22 (video plays). That's the end of the clip.

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1 MS. MEYER: Is that Dave Whaley?

2 A. Yes.

3 MS. MEYER: What's the time stamp for  
4 that one, Michelle?

5 MS. SINNOTT: 21 minutes and 15 seconds  
6 through 21 minutes and 41 seconds.

7 MS. MEYER: All right. Ready for the  
8 next one.

9 MS. SINNOTT: This begins the next  
10 clip. (Video plays). That's the end of the clip.

11 BY MS. MEYER:

12 Q. Is that Dave Whaley?

13 A. Yes, it is.

14 MS. MEYER:

15 Q. And what's the stamp for that one?

16 MS. SINNOTT: 23 minutes and 24 seconds  
17 through 23 minutes and 40 seconds.

18 MS. MEYER: Are we almost there?

19 MS. SINNOTT: Yes. This is not it.

20 This is the next clip (video plays). That's the  
21 end of the clip.

22 MS. MEYER: Can you rewind that? Do

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1 you know who that is?

2 A. That's Suni.

3 Q. Oh, that's Suni Ridley. And what's  
4 the time stamp for that?

5 MS. SINNOTT: 1 hour, 10 minutes and 21  
6 seconds through 1 hour, 10 minutes and 45 seconds.

7 MS. MEYER: All right. The next one ?

8 MS. SINNOTT: This begins the next clip  
9 (video plays). That's the end of the clip.

10 BY MS. MEYER:

11 Q. Do you know who that woman and who  
12 that man is?

13 A. The guy is Brian Christiani French.  
14 The girl, I couldn't see who it was.

15 MS. MEYER: Can we play that one again?

16 MS. SINNOTT: Yes. (Video replayed.)

17 A. No. I don't know who she is.

18 BY MS. MEYER:

19 Q. But that was Brian Christiani French?

20 A. Yes.

21 MS. MEYER: What's the time stamp for  
22 that clip?

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1 MS. SINNOTT: 1 hour, 11 minutes  
2 through 1 hour 11 minutes and 25 seconds.

3 MS. MEYER: All right. The next one.

4 MS. SINNOTT: This is the beginning of  
5 the clip (video plays). That's the end of that  
6 clip.

7 BY MS. MEYER:

8 Q. Do you know who that individual was?

9 A. Jeff Pettigrew.

10 MS. MEYER: What's the time stamp for  
11 that one, Michelle?

12 MS. SINNOTT: 1 hour, 17 minutes and 34  
13 seconds through 1 hour, 17 minutes and 47 seconds.  
14 This is the beginning of the clip (video plays).  
15 That's the end of the clip.

16 BY MS. MEYER:

17 Q. Is that also Jeff Pettigrew?

18 A. Yes.

19 MS. MEYER: What's the time stamp for  
20 that one?

21 MS. SINNOTT: 1 hour, 23 minutes and 29  
22 seconds through 1 hour, 23 minutes and 50 seconds.



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1 MS. MEYER: Next one.

2 MS. SINNOTT: This is the beginning of  
3 the clip (video plays). This is the end of the  
4 clip.

5 BY MS. MEYER:

6 Q. Is that Troy Metzler in the white  
7 shirt?

8 A. On the far side?

9 Q. Yes.

10 A. Yes.

11 Q. Do you know who the person in the  
12 yellow shirt was?

13 A. Some clown. I don't know what his  
14 name is.

15 Q. But that's Metzler in the white shirt?

16 A. Yes, it is.

17 MS. MEYER: What's the time stamp?

18 MS. SINNOTT: 1 hour, 24 minutes and 26  
19 seconds through 1 hour, 24 minutes and 55 seconds.  
20 (Video plays.) That was the clip that we just saw.

21 BY MS. MEYER:

22 Q. Do you know who that was?

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1 A. Looks like Mike, but I'm not sure.

2 Q. Mike Hayward?

3 A. Let's watch it again, Michelle.

4 MS. SINNOTT: Okay. Start of the clip  
5 (video plays).

6 BY MS. MEYER:

7 Q. That was Mike Hayward?

8 A. Yes.

9 MS. MEYER: And what's the stamp for  
10 that one, Michelle?

11 MS. SINNOTT: 1 hour and 27 minutes and  
12 2 seconds through 1 hour, 27 minutes and 25  
13 seconds.

14 MS. MEYER: Next one. Is this the  
15 clip?

16 MS. SINNOTT: No. This is the  
17 beginning of the clip (video plays). That's the  
18 end of the clip.

19 BY MS. MEYER:

20 Q. Who is that?

21 A. That's, I don't know his real name.  
22 That's Papa Louie, that's the red show.

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1 Q. Oh, it is? That's Papa Louie? You're  
2 sure that's who it is?

3 A. Yes.

4 MS. MEYER: Okay. Next clip.

5 MS. SINNOTT: This is the clip (video  
6 plays). That's the end of clip.

7 BY MS. MEYER:

8 Q. Do you know who that is in the white  
9 pants?

10 A. No. I couldn't tell you.

11 MS. MEYER: Can you go back and see if  
12 we can see that person's face a little bit?

13 A. I can't tell you if that's red or  
14 blue.

15 Q. You don't recognize the other person  
16 either?

17 A. No. I can't even tell you what  
18 elephants they are. Could be the red show.

19 MS. MEYER: Don't stop it right away,  
20 Michelle. Let's see it and see if we see anything  
21 else on that that would help identify the  
22 individual.

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1 MS. SINNOTT: Okay. (Video plays.)

2 BY MS. MEYER:

3 Q. Did you recognize that person what  
4 walked by there. Oh, it's a young person. Do you  
5 recognize that person?

6 A. No, I don't.

7 Q. Did you recognize that other person  
8 who walked by?

9 A. Nope.

10 MS. MEYER: All right. I think this is  
11 the last one on this tape, right?

12 MS. SINNOTT: Yes. This is the clip  
13 (video plays). That's the end of clip.

14 BY MS. MEYER:

15 Q. Was that Suni Ridley?

16 A. Yes.

17 Q. Was that Karen?

18 A. I couldn't tell.

19 MS. MEYER: Can you play it again,  
20 Michelle?

21 MS. SINNOTT: Yes. (Video replays).

22 A. I can't tell.

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1 BY MS. MEYER:

2 Q. But that is Suni Ridley in that clip?

3 A. That's Suni.

4 MS. MEYER: What's the time stamp for  
5 that one?

6 MS. SINNOTT: 4 hours, 27 minutes and  
7 40 seconds through 4 hours, 28 minutes and 7  
8 seconds. That's the end of this tape.

9 MS. MEYER: Why don't you give me that  
10 one we'll have that marked Exhibit 18.

11 (FEI Deposition Exhibit No. 18 was marked for  
12 identification.)

13 MS. JOINER: This is 7074.

14 MS. MEYER: The one we just played?  
15 Yes. PO7074.

16 MS. JOINER: Objection to that as to  
17 foundation and incomplete document.

18 MS. SINNOTT: We're ready with the next  
19 tape.

20 MS. MEYER: Do you have a copy of it?

21 MS. SINNOTT: No. I'll have to give it  
22 to you when we're done watching it.

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1 MS. MEYER: So the next tape is PL  
2 08980 and we're going to once we play it, we'll  
3 have it marked as Exhibit 19.

4 MS. SINNOTT: This is the start of the  
5 clip (video plays) that's the end of the clip.

6 BY MS. MEYER:

7 Q. Do you know who that individual was?

8 A. I don't have a clue.

9 MS. SINNOTT: We can play it again.

10 A. I still wouldn't know hough who it is.

11 BY MS. MEYER:

12 Q. Do you know who the one in the  
13 foreground is?

14 A. No, I do not.

15 Q. So you don't know who the guy with the  
16 glasses and the curly hair is?

17 A. No.

18 MS. MEYER: What's the clip number on  
19 this one, Michelle?

20 MS. SINNOTT: It was 11 minutes and 15  
21 seconds through 11 minutes and 20 seconds.

22 MS. MEYER: The next one.

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1 MS. SINNOTT: This is the beginning of  
2 the clip (video plays). That's the end of the  
3 clip.

4 BY MS. MEYER:

5 Q. Do you know who that was in the yellow  
6 shirt on the right side of the screen?

7 A. I could not tell.

8 Q. Did you know and handler named Brian  
9 Clark?

10 A. Yes.

11 Q. Did he work on the blue unit?

12 A. Yes.

13 Q. When did he work on the blue unit?

14 A. Four or five years ago.

15 Q. Do you know what he looks like?

16 A. He's about that tall (indicating).

17 Q. He's short?

18 A. Yes.

19 MS. MEYER: Let's play that clip again?

20 MS. SINNOTT: Okay (video replays).

21 BY MS. MEYER:

22 Q. You don't know who that individual is?

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1 A. The one with the elephant. No.

2 MS. MEYER: All right.

3 MS. SINNOTT: That's the end of this  
4 tape.

5 MS. MEYER: Okay. I just have three  
6 more clips to go. PL 08980 will be Exhibit 19.  
7 (FEI Deposition Exhibit No. 19 was marked for  
8 identification.)

9 MS. JOINER: Same objections.

10 MS. MEYER: This one should be marked  
11 Exhibit 20 and it's Bates labeled PL 08982.

12 (FEI Deposition Exhibit No. 20 was marked for  
13 identification.)

14 MS. SINNOTT: This is the beginning of  
15 the clip (video plays). That's the end of the  
16 clip.

17 BY MS. MEYER:

18 Q. Was that Troy Metzler.

19 A. Yes.

20 MS. MEYER: What's the time stamp for  
21 that one, Michelle?

22 MS. SINNOTT: 16 minutes and 55 seconds



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1 through 17 minutes and 3 seconds.

2 MS. MEYER: All right.

3 MS. SINNOTT: This is the beginning of  
4 the clip (video plays). That's the end.

5 BY MS. MEYER:

6 Q. Was that Mr. Metzler?

7 A. I couldn't tell you.

8 MS. MEYER: Can we play it again?

9 MS. SINNOTT: Yes (video replays).

10 A. I still couldn't tell you.

11 BY MS. MEYER:

12 Q. Don't know that that's Mr. Metzler?

13 A. No.

14 MS. MEYER: Michelle, if we play more  
15 of that tape, would we see more of him?

16 MS. SINNOTT: I believe not. No.

17 MS. MEYER: All right.

18 MS. JOINER: Same objections for  
19 Exhibit 20 as 18 and 19.

20 MS. MEYER: This will be No. 21 and it  
21 has a bates label of PLO 7069.

22

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1 (FEI Deposition Exhibit No. 21 was marked for  
2 identification.)

3 MS. SINNOTT: This is the beginning of  
4 the clip (video plays). That's the end.

5 BY MS. MEYER:

6 Q. Do you recognize that individual?

7 A. Just that it's one of Axel's boys.

8 Q. Do you know which one it is?

9 A. No.

10 Q. When you say Axel's boys, you mean one  
11 of the sons of Axel Gautier?

12 A. Right.

13 Q. So it would be either Michael Gautier  
14 or Kevin Gautier; is that correct?

15 A. Correct.

16 MS. MEYER: What's the time stamp for  
17 that one?

18 MS. SINNOTT: 19 minutes and 31 seconds  
19 through 19 minutes and 51 seconds.

20 MS. MEYER: That's it for the video  
21 clips. I have no further questions.

22 MS. JOINER: Same objection for

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1 Exhibit 21. I have no questions.

2 THE VIDEO OPERATOR: This concludes the  
3 videotape deposition of Gary Jacobson representing  
4 Feld Entertainment, Incorporated. This is tape 4  
5 of 4. Going off the record. The time is  
6 4:17 p.m.

7

8 (Deposition concluded at 4:17 p.m.)

9

10

11

12

\_\_\_\_\_

13

Signature

Date

14

15 SUBSCRIBED AND SWORN to before me

16 this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

17

18

\_\_\_\_\_

19

NOTARY PUBLIC

20

21 My Commission Expires:

22

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1 CERTIFICATE OF REPORTER/NOTARY PUBLIC

2 DISTRICT OF COLUMBIA, to wit:

3 I, OKEEMAH S. HENDERSON, a notary Public for  
4 the District of Columbia, do hereby certify that  
5 the within-named witness personally appeared  
6 before me at the time and place herein set out,  
7 and after having been duly sworn by me, according  
8 to law, was examined by counsel.

9 I further certify that the examination was  
10 recorded stenographically by me and this  
11 transcript is a true record of the proceedings.

12 I further certify that I am not of counsel  
13 to any parties, nor in any way interested in the  
14 outcome of this action.

15 As witness my hand and notarial seal this  
16 \_\_\_\_\_ day of \_\_\_\_\_, 2008.

17

18

19 Okeemah S. Henderson

20 Notary Public

21 My Commission Expires: February 28, 2010

22