

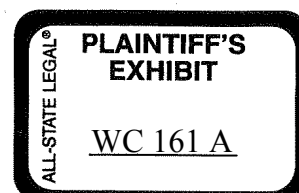
Plaintiffs' Designations of Deposition Testimony of Frank Hagan (11/09/04)
Read into the Record or Shown to the Court on Video

Designations of Testimony Read into the Record

5:09 - 5:12; 6:23 - 7:03; 9:25 .. 11:01; 12:04 - 12:22; 111:25 - 112:08; 113 :02 - 113 :04; 114:07
- 114:09; 116:17 - 116:23; 117:14 - 117:16; 118:10 - 118:22; 174:21 - 175:06.

Designations of Testimony Shown to the Court on Video

13:15 -19:06; 19:15 - 24:11; 25:13 - 26:23;27:13 - 28:09; 30:05 - 32:13; 37:17 - 38:18; 39:14 -
40:14; 57:19 - 59:14; 59:24 - 60:04; 60:12 - 60:20; 61:19 - 61:23; 62:11 - 62:20; 63:01 - 63:03;
64:03 - 64:18; 65:22 - 70:06; 70:13 - 71:01; 71:13 - 75:08; 78:07 - 78:24; 86:03 - 88:11; 90:06
- 91:05; 91:12 - 91:21; 98:04 - 98:17; 100:05 - 100:10; 101:02 - 103:16; 103:20 - 104:23; 106:20
- 108:09; 121:06 - 122:10; 122:16 - 123:13.



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS, ET AL,

Plaintiffs,

v.

CASE NO.: 03-2006 EGS
Judge: Emmit G. Sullivan

RINGLING BROTHERS AND
BARNUM & BAILEY CIRCUS,
ET AL,

Defendants.

VIDEOTAPED DE BENE ESSE DEPOSITION
UPON ORAL EXAMINATION OF
FRANK E. HAGAN

November 9, 2004

10:00 a.m.

Norfolk, Virginia

Appearances:

MEYER & GLITZENSTEIN
By: KATHERINE MEYER, ESQUIRE
KIMBERLY OCKENE, ESQUIRE
Counsel for the Plaintiffs

COVINGTON & BURLING
By: EUGENE D. GULLAND, ESQUIRE
Counsel for the Defendants

SAUNDERS, BARLOW, RIDDICK, BABINEAU,
FARMER & BREWBAKER, P.C.
By: AMBERLEY G. JOCHENS, ESQUIRE
Counsel for the witness

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RE CROSS
Frank E. Hagan	5	124	174	184

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1 Videotaped de bene esse deposition upon
2 oral examination of Frank E. Hagan, taken before Jill
3 Fortner, CCR, Notary Public for the Commonwealth of
4 Virginia at Large, pursuant to notice and agreement,
5 commencing at 10:00 a.m. on November 9, 2004, at the
6 Sheraton Norfolk Waterside, 777 Waterside Drive, Norfolk,
7 Virginia, and these in accordance with the Federal Rules of
8 Civil Procedure.

9
10 FRANK E. HAGAN, called as a witness on
11 behalf of the Plaintiffs, having been first duly sworn, was
12 examined and testified as follows:

13
14 THE VIDEOGRAPHER: This is the videotaped
15 deposition of Frank Edward Hagan in the matter of American
16 Society for the Prevention of Cruelty to Animals, et al
17 versus Ringling Brothers and Barnum and Bailey Circus, et
18 al. This is for the United States District Court for
19 District of Columbia, Case Number 03-2006, and this is
20 recorded at the Sheraton Norfolk Waterside Hotel on
21 November 9th, 2004. The time is 10:02 a.m. indicated on
22 the screen.

23 And my name is Shane Graham. I'm from the
24 firm of Allied Video Service, Incorporated, located at 2200
25 Dunbarton Drive, Suite D, Chesapeake, Virginia. Will

1 counsel now, please, introduce themselves?

2 MS. MEYER: I'm Katherine Meyer
3 representing the plaintiff in this case.

4 MS. OCKENE: Kimberly Ockene representing
5 the plaintiff.

6 MS. JOCHENS: Amberley Jochens representing
7 the deponent, Frank Hagan.

8 MR. GULLAND: I'm Eugene Gulland,
9 G-U-L-L-A-N-D. I'm representing the defendant.

10 THE VIDEOGRAPHER: We're now on the record.
11 Would you please swear the witness.

12 (The witness was sworn.)

13 MR. GULLAND: Before we begin, I just want
14 to make a preliminary objection. Unless I missed
15 something, I didn't have any notice that this was going to
16 be a videotaped deposition. The Rules require that be
17 specifically noticed and I reserve the objection if we wish
18 to assert it to object to the use of the videotaped portion
19 of the deposition.

20 MS. MEYER: For the record, the subpoena
21 clearly stated that Mr. Hagan was being commanded to attend
22 a deposition de bene esse to give his testimony regarding
23 the matters that are indicated in the subpoena. So I
24 believe that would be sufficient notice to the defendant
25 that this deposition would be videotaped.

1 FRANK HAGAN, called as a witness on behalf
2 of the Plaintiffs, having been previously duly sworn, was
3 examined and testified as follows:

4

5 DIRECT EXAMINATION

6 BY MS. MEYER:

7 Q. Good morning, Mr. Hagan.

8 A. Good morning.

9 Q. Mr. Hagan, you are appearing here pursuant
10 to a subpoena that was served on you on October 15th, 2004;
11 is that correct?

12 A. Yes.

13 Q. I would like to have a copy of that
14 subpoena -- actually, let to show it to you first. Have
15 you take a look at it and tell me whether or not that's the
16 subpoena you were served with or a copy of the subpoena you
17 were served with?

18 A. Yes.

19 MS. MEYER: I would like to have that
20 marked Hagan Exhibit A.

21 (A copy of a subpoena to Frank Hagan was
22 marked as Hagan Exhibit A.)

23

24 BY MS. MEYER:

25 Q. Mr. Hagan, have you ever attended a

1 deposition before?

2 A. No, ma'am.

3 Q. I'm going to ask you a series of questions
4 and you're required to answer them under oath. The other
5 lawyers may then also ask you some questions at the
6 appropriate time if they want to, and then I will have an
7 opportunity to ask you some additional questions.

8 If you do not understand my question,
9 please let me know and I'll try to clarify it for you. If
10 you need to consult your attorney, at any time please feel
11 free to do so.

12 And after the deposition is completely
13 over, the court reporter will provide you with a written
14 transcript of what was said here today and give you an
15 opportunity to make corrections to that transcript. Do you
16 understand all of that?

17 A. Yes, ma'am.

18 Q. Are you ready to proceed?

19 A. Yes, ma'am.

20 Q. Would you state your name again for the
21 record, please?

22 A. Frank Edward Hagan.

23 Q. Mr. Hagan, have you ever worked for
24 Ringling Brothers, Barnum Bailey Circus?

25 A. Yes, ma'am.

1 Q. When did you work there?

2 A. On and off from 1993 to 2000, and then from
3 2000, March of 2000 to July of 2004.

4 Q. Did you say March of 2000?

5 A. Yes.

6 Q. To July of 2004. And what were your duties
7 when you worked for Ringling Brothers?

8 A. I started out doing transportation. That
9 was my first job.

10 Q. What does that mean?

11 A. It could be anything from moving wagons to
12 moving the big cats to loading train, the flat cars.

13 Q. Okay. And how long did you do that?

14 A. It was sporadic because I -- whenever they
15 needed help, I would -- I would, you know, go there when
16 they needed me. It was like -- it was like extra work but
17 I still had other jobs that I did.

18 Q. Okay. What else did you do there?

19 A. I went to the floor and rigging crew.

20 Q. Floor and rigging?

21 A. Yes.

22 Q. Okay. What does that mean?

23 A. You're up on the ceiling rigging the
24 frames, setting up in the building. And then I held a back
25 stage position, which was -- especially pulling floats and

1 A. And in 2003 in December I went -- I
2 actually floated around for a while in various departments
3 from transpo to back stage and then when I went to the
4 lions crew as well.

5 Q. When did you go to the lion crew?

6 A. December of 2003.

7 Q. And when did you enter employment with
8 Ringling Brothers?

9 A. July of 2004.

10 Q. And were you working on the lion crew when
11 you ended your employment?

12 A. Yes, I was.

13 Q. What did you do for the lion crew?

14 A. Started out feeding them, watering them,
15 taking care of their daily quality of life. Then they
16 started doing the practice sessions with Jason and then
17 doing the performances with Jason as well.

18 Q. Jason was a lion?

19 A. Jason Peters is the head lion trainer.

20 Q. Oh, okay. All right. So you were actually
21 involved in performances?

22 A. Yes. Just for Jason's safety. If
23 something happened during the show, I would go in with a
24 fire extinguisher.

25 Q. And what unit did you work for?

1 A. I worked on the blue show.

2 Q. The blue show. Is that also called the

3 blue unit?

4 A. Yes, ma'am.

5 Q. Okay. How many units are there?

6 A. Now there's three.

7 Q. What are they called?

8 A. The red show, the blue show and the gold

9 show, which is the hometown edition. Inside the circus we

10 call it -- we call it -- we call it the gold show but I

11 guess on the outside world I guess they call it the

12 hometown edition.

13 Q. What is the hometown edition?

14 A. It's just a smaller show. It's a one-ring

15 show.

16 Q. Okay. Have you ever worked on either the

17 red unit or the gold show?

18 A. Yes, ma'am, I have.

19 Q. When did you do that?

20 A. 1993, I started out on the red show. Only

21 for like three months.

22 Q. What did you do for the red unit?

23 A. I was doing transpo.

24 Q. So but for that period of time, you worked

25 exclusively on the blue unit; is that correct?

1 A. Yes, ma'am.

2 Q. Who's in charge of the blue unit?

3 A. The general manager.

4 Q. Yes. Who is that?

5 A. The general manager is Jeff Steel.

6 Q. Do you know who's in charge of the red
7 unit?

8 A. Mark Guipo.

9 Q. How do you spell his last name?

10 A. G-U-I-P-O.

11 Q. Do you know who's in charge of the gold
12 unit?

13 A. Angelina Quevedo.

14 Q. Angelina --

15 A. Quevedo.

16 Q. How do you spell her name?

17 A. Q-U-E-V-E-D-O.

18 Q. And -- and during the time that you were at
19 Ringling Brothers, did you have occasion to observe the
20 elephants who were used in the show?

21 A. Yes, ma'am.

22 Q. Did you have occasion to observe the crew
23 members who handled the elephants?

24 A. Yes, ma'am.

25 Q. Did you work in close proximity to where

1 the elephants were being maintained at any time?

2 A. I'm not really -- I never worked on the
3 elephant department, if that's what you're asking.

4 Q. Did you work near where the elephants were?

5 A. Yes.

6 Q. So you had an opportunity to observe them?

7 A. Yes, ma'am.

8 Q. Do you know who Troy Metzler is?

9 A. Yes, ma'am.

10 Q. Who is he?

11 A. He's the head trainer for the baby

12 elephants.

13 Q. Do you know what his title is exactly?

14 A. I believe he is head of elephants on the

15 unit.

16 Q. That would be the blue unit?

17 A. Yes, ma'am.

18 Q. Do you know what his basic duties are in

19 that position?

20 A. He's in charge of the overall quality of

21 life for the baby elephants as well as the adult elephants

22 on the blue show.

23 Q. Who are his superiors?

24 A. I believe he has just John Griggs and Jeff

25 Steel.

1 Q. Who is John Griggs?

2 A. John Griggs is the blue unit operations
3 manager.

4 Q. And Jeff Steel you said is the general
5 manager?

6 A. General manager, yes.

7 Q. Do you know if part of Mr. Metzler's duties
8 include training other Ringling Brothers handlers on how to
9 handle elephants?

10 A. I'm not sure.

11 Q. I'm asking you if part of his duties
12 include teaching the other handlers how to deal with the
13 elephants?

14 A. Yes. Yes, ma'am.

15 Q. And do you know what a bull hook is?

16 A. Yes, ma'am.

17 Q. What is it?

18 A. It's a -- it has two hooks on it. There's
19 one that goes to the side and one that goes to the top, and
20 it's usually about three foot long.

21 Q. Okay. Do you know what an ankus is?

22 A. I believe it's the same thing. I think in
23 the circus world they just it the bull hook.

24 Q. Have you ever seen Mr. Metzler hit an
25 elephants with a bull hook?

1 A. Yes, ma'am.

2 Q. Can you tell me when?

3 A. It's been a couple of occasions. I mean, I
4 could never give you a specific date because we've played
5 so many arenas and so much venues. I couldn't be specific.

6 Q. How often did you see Mr. Metzler hit an
7 elephant with a bull hook?

8 A. Since when?

9 Q. During the time you worked at Ringling
10 Brothers?

11 A. Maybe personally eight times.

12 Q. Okay. Can you describe what you saw?

13 A. A couple of times it was just a control
14 issue. The elephant would move. What they do is line the
15 elephants up for the show outside the arena. And one the
16 elephants would move out of line and he would usually whack
17 them across the trunk or the foot.

18 Q. Did you say whack him?

19 A. Yes, strike him with the bull hook.

20 Q. Could you describe in as much detail as you
21 can what you saw him do?

22 A. He would take a one-handed swing at the
23 elephant's trunk, strike them with bull hook across usually
24 the trunk or the foot area depending on which way he wanted
25 them to move.

1 Q. Okay. And that was on an occasion you said
2 when the elephant was getting out of line, is that what you
3 said?

4 A. Yeah, when they would move. When they
5 stand in line for the show, the elephants tend to sway back
6 and forth so usually they have to put them back in line.

7 Q. And is this right before they're going in
8 to do the performance?

9 A. Yes, ma'am.

10 Q. So how are the elephants kept in line?

11 A. By the handlers.

12 Q. And what happens if an elephant gets out of
13 line?

14 A. They usually get hooked or whacked.

15 Q. When you say they get hooked, what do you
16 mean by that?

17 A. They'll take the bull hook to the ear
18 depending on which way they want the elephant to move. I
19 mean, sometimes -- it varies. If you want the elephant to
20 move back, you grab the elephant by the ear and you
21 actually pull the elephant back this way (demonstrating).
22 If they need it to move left to right, usually they'll push
23 it over by the chin with the bull hook pointed end.

24 Q. Have you seen handlers use the hook on an
25 elephant's ear to make it stay in line?

1 A. Yes, ma'am.

2 Q. And have you seen the elephants react to
3 the use of the hook in that way?

4 A. Yes, ma'am.

5 Q. And how do they react?

6 A. They make a trumpeting noise.

7 Q. Can you describe it?

8 A. It's like a loud shrek I guess is the best
9 way I can put it.

10 Q. And then do they move as they're --

11 A. Yes, ma'am --

12 Q. -- being told to?

13 And have you seen Mr. Metzler use the bull
14 hook in any other way on the elephants beside what you have
15 described so far?

16 A. As far as --

17 Q. Well, I was asking you to describe the
18 times that you have seen him use the bull hook and the one
19 description so far that you've given us is to keep the
20 elephants in line before they go into the show. Are there
21 other incidents where you have seen Mr. Metzler use a bull
22 hook on an elephant?

23 A. If they're in their play area, what they
24 call the pen, sometimes the elephants like to reach outside
25 of that area and usually they'll take the bull hook and

1 swing it at their trunk to get them to back off that --
2 that roping area.

3 Q. When you say swing it at the trunk, make --
4 actually make contact --

5 A. Yes.

6 Q. -- with the trunk with the bull hook?

7 A. A baseball swing at the trunk.

8 Q. And you've seen Mr. Metzler do that?

9 A. Yes, ma'am.

10 Q. Have you seen him use the bull hook like a
11 baseball bat with baby elephants?

12 A. Yes, ma'am.

13 MR. GULLAND: Objection. Leading.

14

15 BY MS. MEYER:

16 Q. I was just following up on your answer to
17 the prior question.

18 Have you seen him use the bull hook in the
19 way that you've described with respect to baby elephants?

20 A. Yes, ma'am.

21 Q. Have you seen him use the bull hook in the
22 way you've describe it with respect to adult elephants?

23 A. Yes, ma'am.

24 Q. Are there any other examples that you can
25 provide us of times you've seen Mr. Metzler use the bull

1 hook with respect to elephants?

2 A. Not that I personally witnessed.

3 Q. Do you know the names of the elephants who
4 travel with the blue unit?

5 A. Yes, ma'am.

6 Q. And are there both adults and baby
7 elephants on the blue unit?

8 A. Yes, ma'am.

9 Q. Can you tell me what the names of the baby
10 elephants are on the blue unit?

11 A. I can start with the youngest to the oldest
12 if you like.

13 Q. That would be great.

14 A. Sara, Angelica, Juliet, Bonnie and Kelly
15 Ann are the five babies.

16 Q. Okay. How about the adults?

17 A. I have to write them down to make sure I
18 get them right. Mysore, Susan, Tova, Lutzie, Nicole and
19 Mieyak.

20 Q. Is there an elephant named Karen on the
21 blue unit?

22 A. Oh, yes. I'm sorry. Karen, too.

23 Q. And where on the bodies of the elephants
24 have you seen Mr. Metzler hit them?

25 A. The trunk, the chin, under the chin, the

1 legs and the anus area, the back end.

2 Q. How about the ears?

3 A. Yes, the ears.

4 Q. Okay. And is that true with respect to
5 both the adults and the babies?

6 A. Yes, ma'am.

7 Q. Based on what you have observed, can you
8 tell us why Mr. Metzler uses the bull hook in that way?

9 MR. GULLAND: Objection. Go ahead and
10 answer.

11 THE WITNESS: For control. To control the
12 elephant so it doesn't get out of hand.

13

14 BY MS. MEYER:

15 Q. Do you know Mr. Metzler by any other name?

16 A. Troy.

17 Q. Yes.

18 A. Troy.

19 Q. Do you know him by any other name?

20 A. The show gave him the nickname Captain

21 Hook.

22 Q. Captain Hook?

23 A. Yeah.

24 Q. Why is he called Captain Hook?

25 A. It started out --

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MR. GULLAND: Objection. Lack of foundation.

MS. JOCHENS: You can answer the question.

THE WITNESS: It started out because he had a tenacity for being overzealous with the bull hook.

BY MS. MEYER:

Q. Being over zealous, is that what you said --

A. Yes.

Q. -- with the bull hook?

Have you ever seen a Ringling elephant disciplined by a Ringling Brothers handler?

A. Yes, ma'am.

Q. What have you observed?

A. If the elephants get into a fight, if that's what you're asking.

Q. Well, for whatever reason how is the elephant disciplined?

A. They brought the elephants down to all four knees and two guys were on each side with a bull hook holding it down by the ears.

Q. How often have you seen that?

A. I've only seen that once or twice.

1 Q. Once or twice?

2 A. Yes.

3 Q. Do you know what the elephant had done to
4 warrant the discipline?

5 A. The one time I knew that the elephants got
6 into a fight. The other time, I really wasn't sure.

7 Q. And who did you see involved in
8 disciplining the elephants?

9 A. That time?

10 Q. Yes.

11 A. It's been a few years. It was Gunther
12 Gable Williams and I believe it was his son Mark.

13 Q. Okay. And I'm not clear -- if you could
14 describe in more detail what you're talking about, what
15 exactly they did do to the elephant to discipline it?

16 A. They would make it come down on the joints
17 of its knees, the front legs and the back legs and they
18 would hold it down by the ears with the bull hooks.

19 Q. How did they make it come down on its
20 knees?

21 A. Tell it to get down.

22 Q. Did they use a bull hook to make it get
23 down?

24 A. Yes.

25 Q. How did they use the bull hook?

1 A. When they wanted her to come, they put
2 hook to the back of her neck and forced her down.

3 Q. Okay. Do you know which elephant it was?

4 A. No, this was years ago so I don't remember.

5 Q. Okay. And once the elephant was down on
6 its knees, what happened?

7 A. They held it there for about twenty
8 minutes.

9 Q. Twenty minutes?

10 A. Yes.

11 Q. And how did the elephant react to that
12 treatment?

13 A. I mean, did it act violent?

14 Q. Whatever way it reacted?

15 A. Just -- it would make bugling sounds.

16 Q. What kind? I'm sorry?

17 A. I don't how to say it. They made bugling
18 noises.

19 Q. Bugling?

20 A. Yeah. I don't know how to describe it.
21 It's like a trumpeting noise, I guess.

22 Q. Was that an adult elephant?

23 A. Yes, ma'am, it was.

24 Q. Have you ever seen a baby elephant
25 disciplined in that way?

1 A. No.

2 Q. Based on your observation of that incident,
3 did the treatment of the elephant appear to be painful to
4 the elephant?

5 A. Yes.

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

7 A. To be honest with you, I have never worked
8 elephants so I really don't know what kind of pain they
9 feel but they just -- the way it was making the noises
10 sounded painful.

11 Q. Okay. Have you ever seen elephant handlers
12 use any other methods to discipline an elephant?

13 A. As far as -- no.

14 Q. Okay. Have you ever observed a handler
15 make an elephant hold one leg up at a time?

16 A. Yes.

17 Q. Can you describe that, please?

18 A. They would take the bull hook to the feet
19 in between the toes and make it raise its foot up and hold
20 it up like this (demonstrating). Usually it's the front
21 legs. I've never seen the back legs been done like that.

22 Q. And what was the purpose of that?

23 A. I don't know.

24 Q. What was going on when you observed that
25 conduct?

1 A. They were lined ready to go into the arena
2 floor.

3 Q. Do you why the elephant was made to put its
4 leg up that way?

5 A. No, I don't.

6 Q. And when you say they put the bull hook
7 between its toes, can you explain more what you mean by
8 that?

9 A. They would take the pointy part, not the
10 side part, the top part and just push it up so they would
11 lift their foot up.

12 Q. Do you know the purpose of that particular
13 exercise?

14 A. No, I don't.

15 Q. And how did the elephant react to being
16 made to do this?

17 A. It lifted its foot up.

18 Q. Have you ever seen an elephant refuse to
19 put its foot up --

20 A. No.

21 Q. -- under those circumstances?

22 Have you ever had occasion to hear an
23 elephant respond to being disciplined?

24 A. Yes.

25 Q. Can you describe the circumstances?

1 A. It was a couple occasions.

2 Q. Okay.

3 A. Usually they just make the loud trumpeting
4 noise, and depending what elephant it is -- like Lutzie,
5 the one elephant, if she got mad at somebody, she would
6 take her trunk and thump it on the ground and make like an
7 echo effect with her trunk.

8 Q. You said there were a couple of occasions
9 when you heard an elephant being disciplined?

10 A. Yes, just -- well, it wasn't discipline.
11 It was usually when they were lined up for the show if they
12 would do something.

13 Q. Okay. And you said -- I believe you said
14 when you left Ringling Brothers, Troy Metzler's title was
15 the head trainer for the elephants?

16 A. Yes, for that unit.

17 Q. For the blue unit?

18 A. Yes.

19 Q. And did Mr. Metzler hold that title the
20 entire time you worked at Ringling?

21 A. No, ma'am.

22 Q. What were his previous titles, if you know?

23 A. I mean, when I first came back to the show
24 in 2000, he was in charge of baby elephants. Troy was at
25 the center before he came on the road with the babies.

1 Q. When you say he was at the center, what do
2 you mean by that?

3 A. Center for Elephant Conservation in
4 Florida.

5 Q. Okay. And at some point did he get a
6 promotion?

7 A. Yes.

8 Q. When was that?

9 A. Approximately two years ago a guy named
10 Brian French had left the show. He was the head elephant
11 person at the time, and when he left the show, Troy was
12 promoted to head of elephants.

13 Q. So when would that have been approximately?

14 A. I would have to guess the beginning of
15 2003.

16 Q. And you mentioned Jeffrey Steel before.
17 Can you repeat who he is?

18 A. Jeff Steel is the general manager for the
19 blue unit.

20 Q. And do you know what his basic duties at
21 Ringling?

22 A. To oversee the operations as well as the
23 performances of the show.

24 Q. And who are his superiors at the circus?

25 A. Jim Andoct is the vice president of circus

1 operations. Tim Holts, he's in charge of production and
2 talent, and then Kenneth Feld is the president of Feld
3 Entertainment. I believe he answers to Nicole Feld as well
4 now, too.

5 Q. Nicole Feld, who is that?

6 A. Nicole Feld is Kenneth Feld's daughter.

7 Q. What is her job title?

8 A. She's the assistant producer I believe it
9 is or associate producer maybe.

10 Q. Can you spell Jim Andoct's last name,
11 please?

12 A. A-N-D-O-C-T.

13 Q. Have you ever observed Mr. Steel present
14 when Mr. Metzler hit an elephant with a bull hook?

15 A. Yes, ma'am.

16 Q. How many times?

17 A. Once or twice.

18 Q. Can you tell us the circumstances?

19 A. The elephants were lined up ready to go in.

20 I was actually standing next to Jeff Steel. We were
21 waiting for the elephants to pass because you can't walk by
22 the elephants when they're lined up, and one of the
23 elephants had stepped out of line and Troy had taken the
24 bull hook to the elephant's chin and pushed it back.

25 Q. Did he use force when he did that?

1 A. Yes.

2 Q. And Mr. Steel was standing there?

3 A. Yes.

4 Q. Do you remember any other times when that
5 happened?

6 A. Like I said, it was once or twice. I don't
7 remember locations if that's what you're asking.

8 Q. Do you remember when?

9 A. This past year.

10 Q. Did you ever see -- were you ever present
11 when Mr. Steel -- strike that.

12 Did you ever see Mr. Steel take any
13 disciplinary action against Mr. Metzler?

14 A. No.

15 Q. Did you ever hear Mr. Steel take any
16 disciplinary action against Mr. Metzler for hitting an
17 elephant?

18 A. No, ma'am.

19 Q. As far as you know, was Mr. Metzler ever
20 disciplined for hitting an elephant with a bull hook?

21 A. No, ma'am.

22 Q. Do you know whether Mr. Metzler hit
23 elephants with bull hooks before he was promoted?

24 A. Did he what?

25 Q. Did he -- did he hit elephants with bull

1 health of the animals.

2 Q. Did you ever witness Ms. Farenbrook present
3 when Troy Metzler hit an elephant with a bull hook?

4 A. No, ma'am.

5 Q. Do you know who Jeff Lease is?

6 A. Yes.

7 Q. Who is he?

8 A. He was an elephant handler on the blue show
9 and he's now at the Center for Elephant Conservation in
10 Florida.

11 Q. How long was he a handler on the blue unit?

12 A. He was there when I got there in 2000, if
13 that's what you're asking.

14 Q. When did he leave the blue unit?

15 A. 2003.

16 Q. What were his duties at -- on the blue
17 unit?

18 A. As a handler?

19 Q. Yes.

20 A. Move the elephants in and out for
21 performances. For the animal walks, he would escort the
22 elephant to and from the circus train.

23 Q. Who were his supervisors?

24 A. Troy Metzler and Alex Vargas.

25 Q. Who is Alex Vargas?

1 A. Alex Vargas, I believe his title is
2 superintendent of animals on the unit.

3 Q. Did you ever see Jeff Lease use a bull hook
4 on an elephant?

5 A. Yes, ma'am.

6 Q. Can you describe what you have observed?

7 A. One of the elephants had moved out of line
8 and Jeff had aggressively grabbed the elephant by the ear
9 with the bull hook and pushed it over.

10 Q. What do you mean by aggressively?

11 A. He violently grabbed the elephant by the
12 ear and pulled it backwards.

13 Q. How often did he do something like that?

14 A. I had seen him on several occasions.

15 Q. Did you observe him using a bull hook in
16 any other way with respect to Ringling elephants?

17 A. I've seen him strike the legs of an
18 elephant.

19 Q. How often have you seen him do that?

20 A. Maybe once or twice.

21 Q. Okay. And what was the elephant doing at
22 the time that he struck the legs of the elephant?

23 A. I'm not really sure to be honest with you.

24 Q. Do you know why he struck the legs of the
25 elephant?

1 A. No. I just turned around and I had saw
2 this because I heard the whack across the leg.

3 Q. Did he use force?

4 A. Yes.

5 Q. How did the elephant respond?

6 A. Just made like a little noise and backed
7 away.

8 Q. Did you ever observe Mr. Lease hitting
9 elephants in front of other Ringling employees?

10 A. Elephants handlers, if that's what you're
11 asking.

12 Q. Yes.

13 A. Yes.

14 Q. Which other elephant handlers were present?

15 A. I couldn't be specific.

16 Q. Can you name any of them?

17 A. It's been a few years since he's been on
18 the unit so I really couldn't.

19 Q. Do you ever recall Mr. Lease hitting an
20 elephant in front of Mr. Metzler?

21 A. I really wouldn't know to be honest with
22 you if he was or not.

23 Q. How about in front of Mr. Vargas?

24 A. No.

25 Q. As far as you know, was Mr. Lease ever

1 Q. You mentioned an elephant named Tova
2 before --

3 A. Yes.

4 Q. -- in your list.

5 A. She's on the blue unit.

6 Q. Okay. Has she been on the blue unit for a
7 long time?

8 A. No, she was just brought out this year.

9 Q. Do you know how old she is?

10 A. Tova I believe is in her thirties.

11 Q. Do you know where she was before she was on
12 the blue unit?

13 A. I believe she was at the center.

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

15 A. I believe the conversation with Mike
16 Hargrove he told me that she was at the center.

17 Q. Okay. How often have you observed the
18 elephants lining up to go into a performance?

19 A. Several hundred times a year.

20 Q. Okay. And when the elephants are lining up
21 to go into a performance, are they allowed to move freely?

22 A. On their own?

23 Q. Yes.

24 A. No.

25 Q. And how are they kept still?

1 A. They're made to form a line. They would
2 walk them tail -- what they call tail -- tail motion
3 forward and then they would turn them. The elephants would
4 release each other's tails and turn up and line like this.
5 I don't know how you want --

6 Q. And what happens if the elephants move out
7 of line?

8 A. They would be hooked.

9 Q. And when you say they would be hooked, can
10 you describe what that means?

11 A. Depending on which way the elephant tried
12 to go, usually would take the hook to the chin or the ear
13 area to make it back up or move forward or whatever
14 direction they wanted it to go.

15 Q. And how often have you observed that?

16 A. Quite a bit. I couldn't give you an exact
17 number because it happens so many times a year that they
18 line up.

19 Q. Okay. Is it a common experience?

20 A. I would say generally, no. I don't know
21 how to give an exact answer for that because I really don't
22 know, because I'm not always there when they line up.

23 Q. I see. Well, when you have been there when
24 they're lining up you have seen the handlers hook as you
25 call the elephants to make them stay in line?

1 A. Yes.

2 Q. Have you ever observed elephants using
3 their trunk to explore their surrounds?

4 A. Uh-huh. Yes.

5 Q. Describe what you have seen them do.

6 A. Elephants are social animals. They like to
7 smell around the area. Sometimes they'll pick up cigarette
8 butts and try to eat the cigarette butts. If they're near
9 grass -- depending on what they're near. If they're near
10 grass, they like to smell the grassy areas and all.

11 Q. Is it common for elephants to engage in
12 this kind of behavior?

13 A. Yeah, they're social animals.

14 Q. Have you ever observed Ringling handlers
15 take any action with respect to an elephant who was
16 exploring its surroundings?

17 A. Yes.

18 Q. What have you seen?

19 A. Usually if they reached outside of their
20 area, they would take the bull hook and strike them across
21 the trunk.

22 Q. Who have you seen do that?

23 A. Troy -- there's been so many different
24 handlers over the years and I couldn't --

25 Q. Just give it to your best shot.

1 A. -- recite everyone. Troy, Mike Hargrove,
2 there's a guy name Heecham that's on the unit.

3 Q. Heecham did you say?

4 A. He's from Morocco so I couldn't even -- I
5 couldn't even spell his name if I tried.

6 Q. He's from Morocco --

7 A. Yeah.

8 Q. -- is that what you said? Heecham.

9 A. H-E-E-C-H-A-M, I believe is his name.

10 Q. Okay.

11 A. Jeff Lease, Jeff Pettigru.

12 Q. Who is Jeff Pettigru?

13 A. Jeff was the elephant handler on the show
14 as well as a tiger handler and performer.

15 Q. Okay. Is he still there?

16 A. No, ma'am, he's not.

17 Q. When did he leave?

18 A. He left shortly before I did. This year
19 sometime.

20 Q. 2004?

21 A. Yes, ma'am.

22 Q. Anybody else?

23 A. I couldn't be specific.

24 Q. Okay. Have you ever seen elephants throw
25 dirt on their backs?

1 A. No, Gunther is in another show. Doc,
2 Angelica.

3 (Phone call.)

4 THE WITNESS: She's out there.

5 MS. JOCHENS: Okay.

6 MS. MEYER: Let's take a break.

7 THE VIDEOGRAPHER: Going off the record now
8 11:12 a.m. time indicated on the screen.

9 (A short break was taken.)

10 MS. MEYER: Okay. Mr. Hagan, did you bring
11 any items --

12 THE VIDEOGRAPHER: I'm sorry.

13 MS. MEYER: Sorry.

14 THE VIDEOGRAPHER: We're back on the record
15 now time indicated on the screen. Please
16 continue. Go ahead.

17
18 BY MS. MEYER:

19 Q. Mr. Hagan, did you bring any items in
20 response to the subpoena that was served on you on October
21 15th?

22 A. Yes, I did.

23 Q. Can you show me what you brought?

24 A. It's a bull hook.

25 Q. What is that?

1 A. It's a bull hook.

2 Q. Okay. And where did you get it from?

3 A. Elephant handlers on the show.

4 Q. Did you get it from a specific elephant
5 handler?

6 A. Troy.

7 Q. Troy Metzler?

8 A. Yes.

9 Q. The same Troy Metzler we've been talking
10 about today?

11 A. Yes.

12 Q. When did you obtain it?

13 A. 2002.

14 MS. MEYER: Okay. I would like to mark
15 that Hagan B.

16 (A bull hook was marked as Hagan Deposition
17 Exhibit B.)

18 MS. JOCHENS: With the understanding that
19 it's not going to leave his possession.

20 MS. MEYER: I understand that.

21 MR. GULLAND: That what?

22 MS. JOCHENS: That it's not going to leave
23 Mr. Hagan's possession.

24 MR. GULLAND: Can I see it?

25 THE WITNESS: Yes, sir.

1 BY MS. MEYER:

2 Q. Can you describe that bull hook for the
3 record, please?

4 A. Describe it?

5 Q. Yes.

6 A. It's approximately three feet in length,
7 approximately eight pounds in weight. It's got two hooks,
8 one on the side, one on the top, and it's got a Thai band
9 on the bottom as a handle.

10 Q. Is it sharp?

11 A. Yes.

12 Q. Was it sharp when you obtained it from
13 Mr. Metzler?

14 A. Yes.

15 Q. Do you know how the bull hook become sharp?

16 A. No, I don't.

17 Q. Do you know whether Mr. Metzler made the
18 bull hook sharp?

19 A. I've never seen him, if that's what you're
20 asking.

21 Q. And you said it weighs about eight
22 pounds?

23 A. Roughly, yeah.

24 Q. Is it as heavy as a baseball bat?

25 A. It's probably heavier.

1 Q. What is it made out?

2 A. It's got a fiberglass shaft to it, a steel
3 tip on the end as well as a steel casing on the top and the
4 bottom. And it's got a Thai rope here.

5 MS. MEYER: Can the camera see it? You
6 might want to get a close-up.

7 THE VIDEOGRAPHER: Actually, if you could
8 just hold it up. Thank you, sir.

9 MS. MEYER: Great.

10

11 BY MS. MEYER:

12 Q. And is this -- is this bull hook similar to
13 the kinds of bull hook that are used by Ringling employees
14 to handle elephants?

15 A. In the barn. There's different bull hooks.
16 There's ones they use for the show and ones they use in the
17 barn.

18 Q. What's the difference?

19 A. The ones for the performance are a lot
20 smaller.

21 Q. But this is the kind of bull hook -- when
22 you say it's used in the barn, how is it used in a barn?

23 A. Same as the one they use in the show. It's
24 just bigger.

25 Q. Okay. What are the ones in the show, what

1 do they look like?

2 A. They're approximately about this length
3 here. If you cut this off and you make it a lot more
4 thinner and it would be tapped black all the way up to the
5 hook.

6 Q. Okay. And would the hook be sharp as well?

7 A. I've never -- I've never felt the hook on
8 the performance ones.

9 Q. Okay. What kind -- which kind of bull hook
10 is used by the handlers when they're lining up the
11 elephants to go into the show?

12 A. For the handlers or the performers?

13 Q. The handlers?

14 A. The handlers would use one of these
15 outside.

16 Q. So it's just the performers that use the
17 other kind of bull hook; is that correct?

18 A. Yes.

19 Q. Is this bull hook similar to the kind of
20 bull hook that Troy Metzler uses on the elephants?

21 A. In the barn or on the show?

22 Q. In the barn?

23 A. Yes.

24 Q. In the line when the elephants line up
25 before going into the show?

1 A. No. Troy has a smaller one.

2 Q. Oh, he does. Okay. Is this bull hook
3 similar to the kind of bull hook that Troy Metzler used in
4 the incidents you have described earlier where we whacked
5 an elephant?

6 A. He used both. Some of the times he was
7 lined up to go into the show so he would have the smaller
8 one and then other times he would have this one.

9 Q. Okay.

10 A. Or one similar to this.

11 Q. And is this bull hook similar to the kinds
12 of bull hooks that were used in the incident you described
13 earlier where an elephant was disciplined and made to get
14 down on all four of its joints?

15 A. Actually, I believe it was longer, the one
16 they have in the barn for that.

17 Q. Was a longer bull hook?

18 A. Yes, it was longer in length.

19 Q. And heavier?

20 A. I would assume so.

21 Q. Is this the kind of bull hook that was used
22 by Mr. Metzler in the incident that you described earlier
23 where Mr. Steel was present when Mr. Metzler hit an
24 elephant with a bull hook?

25 A. To be honest, I don't remember.

1 Q. Okay. Is this the kind of bull hook that
2 Jeff Lease used in the incidents you've described?

3 A. Yes.

4 Q. Is this kind of bull hook that was used by
5 Mr. Vargas in the incidents that you've described?

6 A. No, because Alex was going into the arena
7 floor to perform. He had the small one.

8 Q. What did you say was wrapped on the bottom
9 of the bull hook?

10 A. It's Thai rope.

11 Q. Thai?

12 A. Yeah, from Thailand.

13 Q. Okay.

14 A. And then it's fiberglass through the top as
15 well.

16 Q. Okay. Do you know whether or not the bull
17 hooks that are used by the Ringling elephant handlers have
18 this kind of Thai rope on them when they're purchased from
19 the manufacturer?

20 A. No. No, it has to be put on them, made.

21 Q. Who puts it on there?

22 A. I believe it's the people in Thailand,
23 where we order it from. It depends on where you order it
24 from because you can order them from several places.

25 Q. You mean you have to ask to have the rope

1 placed on the bull hook?

2 A. Yes.

3 Q. What is the purpose of the rope on the bull
4 hook at the bottom?

5 A. It's a handle. What's the purpose of it?
6 It's just used as a handle. I don't know any specifics
7 about what I was told.

8 Q. Tell me what you know about this -- this
9 twine on the bottom of the -- rope on the bottom of the
10 bull hook?

11 A. It comes from Thailand. I was told -- I
12 don't know but I was told that when you strike an elephant
13 with this side, that it doesn't leave a mark on the
14 elephant.

15 Q. Who told you that?

16 A. One of the elephant handlers.

17 Q. Which one?

18 A. I believe it was Jeff Pettigru.

19 Q. Do you know when he told you that?

20 A. 2003, maybe.

21 Q. Was there a time when you worked at
22 Ringling Brothers where the bull hooks did not have this
23 kind of Thai rope on the bottom?

24 A. I don't know to be honest with you. They
25 have to specifically order this if that's what you're

1 asking, if they want this on there, on their bull hook.

2 Q. Okay. And how do you know that they
3 specifically order it?

4 A. Because they had told me that. Troy and
5 Jeff Pettigru both told me that.

6 Q. Okay. When did they tell you that?

7 A. 2002/2003.

8 Q. Well, I would like you to, if you don't
9 mind, using this bull hook, if you could illustrate the
10 kinds of use of the bull hook that you described earlier.
11 Let's start with Mr. Metzler. If you could show us how you
12 have seen him use a bull hook on an elephant?

13 A. On what?

14 Q. Pardon me?

15 A. On what?

16 MS. JOCHENS: What do you want him to
17 demonstrate it on?

18 MS. MEYER: I mean, just demonstrate it for
19 the camera.

20

21 BY MS. MEYER:

22 Q. If you could show, for example, how he used
23 the bull hook in the incidents that you have described with
24 respect to the elephants? They were several that you
25 described.

1 A. Should I stand up?

2 Q. Sure.

3 A. I'm left-handed so I actually hit from this
4 side but when they would smell from the trunk, the trunk
5 would reach up and he whacked it across the trunk like that
6 way (demonstrating).

7 Q. Okay. With force?

8 A. Yes.

9 Q. Okay. So that was the incident where the
10 elephants were reaching out with their trunks to explore
11 their surroundings that you described?

12 A. Yes.

13 Q. Okay. What about when the elephants are
14 lined up to go into the arena, how is this -- show us how
15 the bull hook is used to keep them in line?

16 A. In various ways. For the most part, they
17 reach under the chin, with the elephant here.

18 Q. Okay.

19 A. Reach to the far side of the chin and pull
20 the elephant over that way. If they wanted them to come to
21 them.

22 Q. With that kind of force that you just
23 demonstrated?

24 A. Yes.

25 Q. And that would be with the hooked end of

1 the bull hook?

2 A. Yes, the top of it.

3 Q. All right. What about -- you mentioned
4 that the bull hook is sometimes used on the ears of the
5 elephant. How is it used on the ear?

6 A. They would reach up like this and pull the
7 elephant's ear (demonstrating).

8 Q. Okay. What kind of force would be use to
9 do that?

10 A. I don't know.

11 Q. Okay. Could you demonstrate that again?

12 A. Reach up like this and pull it down
13 (demonstrating).

14 Q. But the hooked end would go behind the ear?

15 A. Yes, about where the bridge is at the top.

16 Q. Do you know whether that's a sensitive part
17 of the elephant's body?

18 A. I've heard it is.

19 Q. What about on the feet? You said sometimes
20 you've seen bull hooks used on the feet of the elephant.

21 A. When they want them to raise their foot
22 usually they'll reach -- like if this is the elephant's
23 foot --

24 Q. Yes.

25 A. -- they'll reach to the far side toe and

1 pull it up like this if they want them to raise their leg,
2 and sometimes they'll take -- if they want them to move
3 backwards, they'll pock them with the poker.

4 Q. They'll actually hit the foot with that end
5 of the bull hook?

6 A. Yes, they'll poke between the toes to push
7 the elephant back.

8 Q. And when they want the elephant to lift its
9 foot, how did they use it?

10 A. They'll reach to the far side of the foot
11 and lift up the foot.

12 Q. With the hooked part?

13 A. Yes.

14 Q. Okay. And then you described an incident
15 where handlers were disciplining an elephant by making it
16 go down on four of its legs. Can you show us how the bull
17 hook was used in that incident?

18 A. They would reach to the top of the skull of
19 the elephant and pull down (demonstrating).

20 Q. With the hooked end?

21 A. Yes, into the top of the -- not the ear but
22 the top of the skull itself.

23 Q. Okay. And once the elephant was down on
24 all four legs, how was the bull hook used?

25 A. It was just to steady the elephant. One

1 guy would be on each side of the elephant with the ear and
2 holding it down.

3 Q. With the hook behind the ear?

4 A. Yes.

5 Q. On each side?

6 A. Yes.

7 Q. And you spoke about bull hooks sometimes
8 being used on the anus area of the elephant. Can you
9 describe --

10 A. Depending if they want -- how they want
11 the elephant to move. There's just various ways I've seen
12 them do it. Sometimes they'll poke the elephant towards
13 the anus -- in the anal area, but in the butt hole itself,
14 the butt to push the elephant forward.

15 Q. With that end of the bull hook that you
16 just used?

17 A. Usually the pointy end.

18 Q. Okay. And you also described an incident
19 where, and perhaps more than one incident, where Troy
20 Metzler used a bull hook like a baseball bat. Can you
21 describe that?

22 A. I saw Troy and Jeff Lease do it.

23 Q. Both Troy Metzler and Jeff Lease?

24 A. Yes.

25 Q. And can you illustrate how they used the

1 bull hook?

2 A. It was on the front leg and they swing it
3 like this at the elephant's leg (demonstrating).

4 Q. With that kind of force?

5 A. Jeff, I saw really forceful. He's a big
6 guy. He's like six, five.

7 Q. And do you remember what the elephant had
8 done that --

9 A. No, I don't recall.

10 Q. -- that precipitated that reaction by
11 Mr. Lease?

12 A. I don't recall.

13 Q. Is there any other use of the bull hook
14 that you have witnessed that you haven't illustrated for
15 us?

16 A. Pops under the chin.

17 Q. Pops under the chin, can you show us what
18 that means?

19 A. They would take the bull hook like a
20 baseball type style and forward pop and pop the elephant
21 under the chin.

22 Q. Under what circumstances would a handler do
23 that?

24 A. Usually when they're getting their head
25 pieces on. If the elephant moves too much sideways or back

1 and forth, they would pop him under the chin.

2 Q. And what end of the bull hook would they
3 use for that?

4 A. This end (indicating).

5 Q. Okay. And how often did you see that kind
6 of treatment of the elephants?

7 A. Under the chin?

8 Q. Yes.

9 A. Maybe a dozen times over the years.

10 Q. Okay. Any other uses of the bull hook that
11 you have witnessed?

12 A. Not that I can recollect.

13 Q. Before in your testimony you said there
14 were some uses of the bull hook that you saw used all the
15 time and I'm trying to figure out if you could describe
16 what those kinds of uses of the bull hook were?

17 A. Is it okay to sit down?

18 Q. Sure.

19 A. Usually it was -- usually it was to steady
20 them in the line in the front. That's the most I've seen,
21 and usually they'll -- depending on which leg -- depending
22 on which way the elephant moved. If it moved forward, they
23 would pop it in the trunk. If it moved side to side, they
24 would steady it by the ear.

25 Q. Okay. And which handlers again engage in

1 that kind of use of the bull hook?

2 A. All of them generally.

3 Q. Can you name who you're talking about?

4 A. Alex, Troy -- do you want last names as
5 well?

6 Q. Well, I think we know some of them. Troy
7 Metzler?

8 A. Troy Metzler.

9 Q. Alex Vargas?

10 A. Mike Hayward, Heecham, Ockmed, Jeff Lease
11 I've seen and Jeff Pettigru.

12 Q. Okay. Could you illustrate again the use
13 of the bull hook when you said they use it to pop the
14 elephants under the chin? Sorry.

15 A. Stand up and do it again?

16 Q. Yes. Just wanted to see what part of the
17 bull hook was used.

18 A. I don't know if -- when they're facing
19 them.

20 Q. Okay.

21 A. You know, I just saw the motion of it.

22 Q. Okay.

23 A. But they would take it like an upward swing
24 and pop the elephant in the trunk.

25 Q. Okay. Then how would the elephant react to

1 that?

2 A. It would move its head.

3 Q. Okay. Did you ever hear elephants
4 screaming?

5 A. Yes.

6 Q. What were the circumstances?

7 A. I don't know. The tent was closed. The
8 sides of the tent were folded down so I couldn't tell.

9 Q. When was this?

10 A. On several occasions.

11 Q. On several occasions. Do you know which
12 elephants were inside the tent?

13 A. All of them were.

14 Q. Do you know what was going on inside the
15 tent?

16 A. No.

17 Q. Do you know whether it was rehearsal?

18 A. It wasn't rehearsal.

19 Q. Do you know whether it was training?

20 A. I don't know.

21 Q. Do you know if it was disciplining?

22 A. I don't know. I couldn't --

23 Q. Okay. What did you hear? What did you
24 hear?

25 A. I've heard the trumpeting noises come from

1 the tent usually loud, like very loud, and then the
2 elephants make like a gurgling noise but it's kind of loud
3 that you can hear.

4 Q. And did you -- how do you -- how did you
5 view the noises that you heard? What did they signify if
6 anything to you?

7 A. They sounded like the elephant was in pain.

8 Q. And how often did you have that experience?

9 A. I can't recollect how many -- I can't
10 recollect how many times, if that's what you're asking.

11 Q. Was it more than once?

12 A. Yes.

13 Q. Was it more than twice?

14 A. Yes.

15 Q. Was it more than --

16 A. If I would have to guess, maybe a dozen
17 times.

18 Q. Okay. And over what period of time?

19 A. During the past year, is that what you're
20 asking?

21 Q. Yes.

22 A. Yes.

23 Q. So a dozen times during the past year
24 you've heard the elephants screaming that way?

25 A. Yes.

1 Q. Inside the tent?

2 A. Yes.

3 Q. Okay. And do you know which handlers were
4 inside the tent with the elephants?

5 A. No, I don't.

6 Q. Do you know if Troy Metzler was inside the
7 tent with the elephants?

8 A. Generally Troy is in there.

9 Q. How about Alex Vargas?

10 A. I couldn't say because Alex oversees all
11 departments so I couldn't be specific if Alex was in there
12 or not.

13 Q. How about Mike Hargrove?

14 A. Generally Mike's in there.

15 Q. How about Jeff Lease?

16 A. Not in the past year he hasn't been -- he
17 hasn't been with the show.

18 Q. On prior occasions before the past year,
19 did you also have occasion to hear elephants screaming
20 inside the tent?

21 A. Yes.

22 Q. And can you describe what you heard?

23 A. Same type of noises, loud trumpeting noises
24 and the loud gurgling.

25 Q. Okay. And can you tell me who was in the

1 than a male.

2 Q. Have you ever seen any of the handlers
3 interacting with Doc?

4 A. Mike Hayward.

5 Q. What have you seen?

6 A. Just --

7 Q. Have you ever seen Mike Hayward -- Haywood?

8 A. Hayward.

9 Q. Hayward. Have you ever seen him --

10 A. H-A-Y-W-A-R-D, Hayward.

11 Q. Have you ever seen him make physical
12 contact with Doc with a bull hook?

13 A. Yes.

14 Q. Okay. What have you seen?

15 A. Doc was moving around the play pen area and
16 he did something and Mike had went over and hooked him and
17 brought him back to the other side.

18 Q. Can you demonstrate what he did?

19 A. He took the hook -- I think initially he
20 grabbed him by the chin to pull him back over.

21 Q. With the sharp end of the hook?

22 A. Yes, with the curved end of the hook and he
23 pulled him back over and then brought him by the ear and
24 brought him back to the other side.

25 Q. Okay. And do you know what Doc had done to

1 Q. The next morning?

2 A. Yes, ma'am.

3 Q. Okay. And as far as you know, during that
4 time period from 9:30 p.m. to 7:30 a.m., the next day, the
5 elephants are chained?

6 A. Yes, there is only one barn man so they
7 have to be.

8 Q. Okay. And how are they chained? Can you
9 describe --

10 A. With a chain.

11 Q. How does -- what does the chain look like
12 that's used on the elephants?

13 A. There is a tie down on the front and back
14 of the elephants, it's a long line probably about fifty
15 feet long in the front and fifty in the back, and then off
16 of that runs a shackle and then another four-foot chain for
17 the front that goes around the front leg of the elephant,
18 and then there's one that runs in the back that goes around
19 the back leg of the elephant.

20 Q. Okay. So each elephant is chained
21 separately --

22 A. Yes.

23 Q. -- is that correct?

24 And can you describe where those chains are
25 located on the elephant's body?

1 A. They were around the foot.

2 Q. How many feet are chained?

3 A. One in the front, one in the back.

4 Q. On the same side of the body?

5 A. No, runs diagonal.

6 Q. Okay. And how long is the chain on each
7 foot?

8 A. Do you mean how much room do they have to
9 move?

10 Q. Okay. How much room do they have to move?

11 A. Probably three feet left to right.

12 Q. And how about back and forth?

13 A. Maybe a foot forward and backward.

14 Q. Okay. And what -- can you describe the
15 actual chain itself, what it looks like?

16 A. It's huge. It's a chain about this big
17 (indicating).

18 Q. That's what a link -- you're describing a
19 link in the chain?

20 A. Yeah, one link in the chain would be about
21 this big.

22 Q. Okay.

23 A. I don't know gauge or anything like that
24 that it would be.

25 Q. Is it a heavy chain?

1 A. Yes.

2 Q. Have you ever observed how the elephants
3 act while they're chained this way?

4 A. You mean what they're doing?

5 Q. Yes.

6 A. Depends. Sometimes they're eating.
7 Sometimes they're doing the bopping.

8 Q. What do you mean by that?

9 A. They bop their head left and right like
10 Steve Wonder, like this (demonstrating). I don't know how
11 to describe it.

12 Q. How -- how often do they do that?

13 A. At nights generally. That's the only time
14 I've seen them chained up is nighttimes.

15 Q. And how often do they bop their head back
16 and forth?

17 A. Some elephants more than others.

18 Q. I mean, are we talking -- what kind of time
19 frame are we talking about for that kind of bopping of the
20 head? How long does it go on?

21 A. I'm usually gone so I don't know if it's
22 still going on or not.

23 Q. Have you seen it for long periods of time?

24 A. When I was there in the evening time, yes.

25 Q. Like how long?

1 A. Yes.

2 Q. Do they always lie down when they're
3 sleeping?

4 A. I've seen them at that time all lay down.
5 I guess -- it varies with the elephants I guess.

6 Q. When the elephants are chained that way, do
7 they have an opportunity to interact with each other?

8 A. No. See, they can only move so far, left
9 to right.

10 Q. Okay. And have you -- based on your
11 observation, do the animals when they are chained in that
12 way appear to be comfortable?

13 A. I wouldn't want to be chained up like that
14 so I wouldn't be comfortable so I wouldn't think they would
15 be comfortable.

16 Q. Okay. What is the basis for that answer?

17 A. There's no freedom of movement.

18 Q. Okay. When they're chained during the
19 night, what kind of surface are they on?

20 A. It depends if we're inside or outside. If
21 we're in the tent outside, they build like this kind of
22 wood, just put on the parking lot and on top of that with a
23 chain, and sometimes there's hay and bedding on top of the
24 wood.

25 Q. How often is there hay and bedding on top

1 of the wood?

2 A. At nighttime it's generally all the time.

3 Q. Okay. What about in the indoor venues?

4 A. Indoor venues, there's no wood. It's just
5 concrete or whatever surface we're on.

6 Q. Okay. And have you observed elephants
7 chained during part of the day as well?

8 A. Only when there is one barn -- one barn
9 person. If the crew leaves -- like if it's only one show a
10 day, there's usually only one barn man. When Troy or Mike
11 is not there, they'll chain all the elephants up.

12 Q. Okay. And when they're chained during the
13 day, is it the same kind of chaining that occurs during the
14 night?

15 A. Yes.

16 Q. The chain is the same?

17 A. Yes, same exact chain.

18 Q. Okay. And is the range of movement the
19 same --

20 A. Yes.

21 Q. -- for the elephants?

22 And when they're chained during the day,
23 what kind of surface are they on?

24 A. Depending on if they're inside or outside.

25 Q. Okay. How about inside?

1 Q. Okay.

2 A. I can't recollect if I saw that or not to
3 be honest with you.

4 Q. Okay. Have you ever seen any of the
5 elephant handlers hit baby elephants on their legs with a
6 bull hook?

7 A. Yes. Brian Clarke, I saw him do that
8 before.

9 Q. You saw him hit who?

10 A. I think it might have been Angelica. I'm
11 not really sure which elephant. There's five babies there
12 so sometimes it's kind of hard to tell --

13 Q. Okay.

14 A. -- what elephant is which.

15 Q. What other handlers besides Brian Clarke
16 have you seen hit baby elephants on the legs?

17 A. Troy, Troy Metzler.

18 Q. Anyone else?

19 A. That's all I can recollect right now.

20 Q. How does Ringling Brothers travel from one
21 city to other?

22 A. Train.

23 Q. Okay. And how are the elephants
24 transported?

25 A. In the stock cars.

1 one stock car, do you have a basis for knowing how much
2 room the elephants would have in the stock car?

3 A. I don't know. I would have to guess. To
4 be honest with you, I would have to guess.

5 Q. Does it -- strike that. Do you know
6 whether the elephants are chained during their
7 transportation in the shock cars?

8 A. Where they're chained?

9 Q. Whether they're chained?

10 A. Yes, they're chained.

11 Q. Are they chained throughout the journey?

12 A. I would assume so.

13 Q. And can you describe the chains that are
14 used?

15 A. The ones that I saw are the same type that
16 they use at the arena.

17 Q. Okay. Do you know whether the elephants
18 stand while they're in the train cars?

19 A. Whether they stand?

20 Q. Versus lying down?

21 A. At nighttime you mean or --

22 Q. At any time?

23 A. I would assume they had to stand.

24 Q. Do you know whether they have room to lie
25 down in the train cars?

1 A. I don't know.

2 Q. Do you know what the range of movement of
3 the elephants would be in the stock cars?

4 A. I've only seen a few times when the doors
5 open when they --

6 Q. And what did you see?

7 A. The only ones I've see is Karen and Lutzie
8 and usually they're bopping their heads back and forth so
9 you can really get a good guesstimation of how far they can
10 move.

11 Q. Is that the same kind of bopping you were
12 describing earlier?

13 A. Yes.

14 Q. Okay. What kind of surface is the floor of
15 the train car?

16 A. Steel.

17 Q. Is there any padding on the floor of the
18 train car?

19 A. No.

20 Q. And are the elephants taken off the train
21 at any point during the train ride from one city to
22 another?

23 A. Depending on how far is it.

24 Q. What is the policy for taking the elephants
25 off the train car?

1 A. The policy is suppose to be every
2 twenty-four hours.

3 Q. Okay.

4 A. That doesn't happen.

5 Q. Does not happen?

6 A. Does not happen.

7 Q. How often does that not happen?

8 A. Every week. The only time I've seen them
9 taken of the train is on the long journey home. We did a
10 journey from Wilkinsburg, Pennsylvania, to Wichita Fall,
11 Texas, and we stopped on the second day of that journey in
12 Illinois and off-loaded all the animals.

13 Q. And how many hours were the elephants on
14 the train cars from Pennsylvania to Illinois?

15 A. How long were they brought off for?

16 Q. How long were they on the -- on the train?

17 A. We loaded them up Sunday around ten p.m.

18 and they were there all day Monday and we off-loaded
19 Tuesday at I believe it was nine a.m. and we kept them off
20 for four hours. All the animals were taken off for four
21 hours.

22 Q. Okay. Can you tell me how long the train
23 rides usually are from one city to another?

24 A. That varies from week to week. It could be
25 from eighty miles to six hundred miles to twelve hundred

1 miles.

2 Q. Okay. But you said earlier that the
3 elephants are supposed to be taken off the trains every
4 twenty-four hours?

5 A. Yes.

6 Q. And I asked you how often that happens and
7 you said -- you seem to be suggesting that it was rare for
8 the elephants to be taken off every twenty-four hours; is
9 that correct?

10 A. Very Rare.

11 Q. Very Rare.

12 A. I don't think it happens, period. They
13 would get loaded Sunday night at ten p.m. and even if we
14 arrived in that city Monday evening, we wouldn't generally
15 do the animal walk until nine a.m. for the media on
16 Tuesday.

17 Q. Have you ever accompanied the circus when
18 it went to Mexico?

19 A. No, I didn't go to Mexico City.

20 Q. Okay. Have you ever accompanied the circus
21 when it traveled through the Mohave Desert?

22 A. Yes.

23 Q. When was that?

24 A. This past year.

25 Q. Can you be more specific about when it was?

1 A. July.

2 Q. When that happened, where did the circus
3 leave from, what city did it leave from?

4 A. Phoenix, Arizona.

5 Q. And where was it going?

6 A. Fresno, California.

7 Q. Do you know what the distance between
8 Phoenix, Arizona, and Fresno, California is?

9 A. I would have to look at the route card. I
10 believe it was five hundred and some miles.

11 Q. Okay. And do you know when the circus left
12 Phoenix?

13 A. Monday around ten a.m.

14 Q. What day? What was the date?

15 A. July 12th.

16 Q. And do you know when the circus arrived in
17 Fresno?

18 A. I believe it was around eleven p.m. on July
19 13th, Tuesday.

20 Q. Do you know if the elephants were taken off
21 the train between the time they left Phoenix, Arizona, and
22 arrived in Fresno, California?

23 A. No, they were not taken off the train.

24 Q. Do you know what the temperature was that
25 day?

1 the same time. That's usually when they did the crew
2 change and everything all at one time.

3 Q. So the water stop on July 12th you're
4 saying was when?

5 A. Around three p.m.

6 A. So between ten a.m. on July 12th and
7 approximately three p.m. on July 12th the elephants -- did
8 the elephants receive any water?

9 A. Not that I'm aware of.

10 Q. Would you know whether they had received
11 any water?

12 A. That's why we do the water stops. That's
13 usually when they water all the animals down.

14 Q. Can they receive water without a water
15 stop?

16 A. No.

17 Q. Okay. You don't have a routing card with
18 you by any chance?

19 A. No with me, no.

20 Q. What's the longest period of time that you
21 remember the elephants being on the train?

22 A. Two years ago we came from Wilkinsburg,
23 Pennsylvania, to Las Vegas, Nevada. We did one stop. It
24 was a four-day trip and we did one stop and I believe that
25 was in Illinois.

1 Q. Were the elephants taken off the train in
2 Illinois?

3 A. Yes, six hours.

4 Q. They were taken off the train for six
5 hours?

6 A. Yes, on Tuesday.

7 Q. How far was the train ride from Illinois to
8 Las Vegas?

9 A. Four days.

10 Q. And during that period of time, were the
11 elephants taken off the train?

12 A. On Tuesday they were taken off.

13 Q. Now --

14 A. I thought I just answered that for you.

15 Q. I thought you said you stopped in Illinois.

16 A. Yeah, that's where we did a break.

17 Q. Okay. And then the elephants were put back
18 on train in Illinois?

19 A. Yes.

20 Q. And then train continued on to Las Vegas?

21 A. Yes.

22 Q. And how long was the -- were the elephants
23 on the train between Illinois, when they got back on the
24 train, and Las Vegas, Nevada, when they were taken --
25 finally taken off the train?

1 A. Thursday evening I believe we off-loaded.

2 Q. So how many hours would that have been?

3 A. Forty-eight.

4 Q. And during that period of time, would the
5 elephants have been chained on the train?

6 A. I would assume so.

7 Q. Have you ever known the elephants not to be
8 chained on the train?

9 A. No, I've never heard of that.

10 Q. Have you ever been present when individuals
11 from the United States Department of Agriculture came to
12 the circus to conduct an inspection?

13 A. A couple times I believe.

14 Q. Okay. Have you ever actually observed USDA
15 personnel conducting an inspection?

16 A. Yes, sir, one time in California.

17 Q. When was that?

18 A. Two years ago I believe it was.

19 Q. Can you be more specific about the time?

20 A. No, I can't.

21 Q. The date, the year? 2002?

22 A. It was two years ago. Yeah, it would be
23 2002, summer of 2002.

24 Q. And where in California was that?

25 A. I think San Jose is when I remember seeing

1 even if somebody is talking -- if Mike Hayward is in the
2 animal cars talking to Jeff Steel on the radio, it was
3 still the same frequency we were.

4 Q. Okay. What does the -- what is the -- what
5 are the duties of the safety officer?

6 A. Just the safety and health of the people on
7 the train. I did -- any medical stuff that happened on the
8 show, I would take care of it on the train ride. I had all
9 the medical kits, all the trauma kits. I was responsible
10 for all that on the show.

11 Q. So you're saying if a USDA inspector were
12 on the train, you would know about it?

13 A. Yeah, because he would notify Debbie
14 Farenbrook and Jeff Steel and John Griggs right away.

15 Q. And in the years that you worked for
16 Ringling Brothers, did you ever know of a USDA inspector
17 being on the train?

18 A. Never.

19 Q. Did you ever know of a USDA inspector
20 inspecting elephants on the Ringling Brothers train?

21 A. Never even heard of it.

22 Q. Do you have any basis for knowing how the
23 USDA inspector inspected the elephants other than what you
24 described with respect to the use of the temperature gun?
25 Strike that. Are you familiar with a product called Wonder

1 Dust?

2 A. Yes.

3 Q. Tell me what it is.

4 A. It's a covering compound. It's kind of
5 like cover-up for women.

6 Q. How is it used?

7 A. It comes in a powder form and they mix it
8 and it makes a gray cover on wounds. Generally in the
9 agricultural area it's used for horses and whatnot to cover
10 up scars, wounds, abrasions, anything of that nature.

11 Q. Have you ever seen it used on Ringling
12 Brothers' elephants?

13 A. Yes.

14 Q. What color is it?

15 A. It's gray matter.

16 Q. And how have you seen it used on Ringling
17 Brothers' elephants?

18 A. On sores on the elephants. A lot of times
19 when they lay down on the ground, they get up, there's sore
20 marks on their hip or shoulder or their head and they'll
21 put this over top of the injury.

22 Q. Have you ever seen an elephant with a wound
23 caused by a bull hook -- have you seen Wonder Dust used on
24 an elephant with a wound caused by a bull hook?

25 A. I wouldn't know if it was a bull hook wound

1 or not.

2 Q. Okay. Have you ever seen Wonder Dust used
3 to cover up a wound on an elephant?

4 A. Yes, I have.

5 Q. And who did you see use the Wonder Dust in
6 that way?

7 A. I don't know who applied it. I just seen
8 the elephant come out because before it dries, it's got a
9 wet look to it.

10 Q. I see. Okay. And from a distance would
11 you be able to tell that an elephant who had Wonder Dust
12 put on a wound was wounded?

13 A. Could I tell the color of the Wonder Dust?

14 Q. Once the Wonder Dust is on the elephant,
15 can you tell that there's -- the elephant -- there's a
16 wound on the elephant?

17 A. No, not once Wonder Dust is on it. No.
18 It's real hard to tell. You have to actually get close I
19 guess to have a look-see.

20 Q. Would you have to get closer than fifty
21 feet?

22 A. Oh, yes.

23 Q. Would you have to get closer than
24 twenty-five feet?

25 A. I would say within ten feet.

1 Q. Okay. Do you know who applies this Wonder
2 Dust that's used on the blue unit?

3 A. I believe Sonny does that.

4 Q. Okay. Sonny Ridley?

5 A. Yes. I think. I'm not a hundred percent
6 sure but I think he's the one that handles that.

7 Q. Is Wonder Dust a common product used in the
8 circus?

9 A. For the elephants, yes.

10 Q. Do you know whether any of Ringling
11 Brothers' elephants have ever had tuberculosis?

12 A. I've heard this.

13 Q. Who have you heard it from?

14 A. I haven't heard it until recently to be
15 honest with you.

16 Q. Have you heard it from anybody within
17 Ringling Brothers?

18 A. No.

19 Q. Okay. Have you ever been in contact with
20 mucous from a Ringling Brothers' elephant?

21 A. Yes.

22 Q. And what happened?

23 A. They slobber or spit at you. Generally --
24 when I was doing pyro, we had to kneel down to shot the
25 pyro off and when the elephants would walk by the parade,

1 Q. How common is it for Ringling Brothers'
2 elephants to come in close contact with members of the
3 public?

4 A. I've only seen with Kelly Ann. I think
5 it's done for the PR promotions and stuff like that. A lot
6 of times Kelly Ann is the only one that's on the floor.
7 She's the only elephant that they bring out.

8 Q. And what have you seen?

9 A. Sometimes Troy will let the kids come up
10 and pet Kelly Ann or touch her trunk. A lot of times they
11 use Kelly Ann for the photo opportunities for celebrities.

12 Q. How old is Kelly Ann?

13 A. I think Kelly is like seven now.

14 Q. Okay.

15 A. I would have to guess but I would say
16 seven.

17 Q. Are you familiar with Ringling's open
18 houses?

19 A. Yes.

20 Q. What are those?

21 A. It's for the public. An hour before the
22 show, they open up the back areas for the animals -- for
23 people to come in and see the animals.

24 Q. And during that time does the public have
25 access to the elephants?

1 A. To touch them?

2 Q. Yes.

3 A. No.

4 Q. During that time, would members of the
5 public be able to take photographs of the elephants?

6 A. Yes.

7 Q. Would they be able to videotape the
8 elephants?

9 A. Yes.

10 Q. Have you seen members of the public take
11 photographs of the elephants during the open houses?

12 A. Yes. Usually they take pictures of all the
13 animals.

14 Q. Okay. Are the elephants chained during the
15 open houses?

16 A. No, they're in a play pen.

17 Q. And have you ever seen an elephant handler
18 hit an elephant with a bull hook during an open house?

19 A. No.

20 Q. And when elephants are not being displayed
21 in an open house, does Ringling allow the public to come in
22 contact with the elephants other than the incident you
23 described about Kelly Ann?

24 A. No.

25 Q. Does Ringling allow the public to take

1 photographs of the elephants when they're not in the open
2 house?

3 A. No, but they -- I mean, depending on where
4 they're at, they could easily if they're in the public view
5 area and lined up for the show, could take a picture and
6 nobody could do anything about it.

7 Q. Okay.

8 A. But for the general most part, they're not
9 allowed to.

10 Q. Okay. Does Ringling allow members of the
11 public onto the trains to observe the conditions in which
12 the elephants are kept?

13 A. No.

14 Q. Does Ringling allow members of the public
15 to attend rehearsals of the elephants?

16 A. No.

17 Q. Does Ringling allow members of the public
18 to attend practice sessions of the elephants?

19 A. No.

20 Q. Does Ringling allow members of the public
21 to attend training sessions of the elephants?

22 A. No.

23 Q. What opportunities are there at Ringling
24 for an employee to complain about the way the elephants are
25 treated if an employee wanted to do so?

1 A. As far as I know, yes.

2 Q. I mean, in the prior years that you were
3 there, did you know of any elephant handlers being tested
4 for TB?

5 A. No one.

6 Q. Okay. And you said there's a policy that
7 the elephants should be taken off the train every
8 twenty-four hours.

9 A. Uh-huh.

10 Q. Is that what you said?

11 A. Yeah, that's what I had learned from Debbie
12 Farenbrook.

13 Q. Okay.

14 A. I don't know if that's a show policy or if
15 that's a government policy.

16 Q. How often are the elephants kept on the
17 train for more than twenty-four hours?

18 A. Generally every -- every transport.

19 Q. Okay. And is this true even if the train
20 has arrived in the city where the next performance is going
21 to be?

22 A. If they're kept on the train?

23 Q. I'm sorry. If the train has arrived in the
24 city, are the elephants sometimes kept on the train?

25 A. Yes. Depending on the promoter.

1 Generally, they do the animal walk the next morning for the
2 media as well as the public. So they would -- if we
3 arrived at eight o'clock at night, usually the animal walk
4 will be scheduled for nine a.m. the next morning. So the
5 elephants would remain on the stock cars, if that's what
6 you're asking.

7 Q. So the elephants are kept on the
8 train until they're ready to be taken off for the animal
9 walk?

10 A. Yes.

11 Q. Okay. And what is the animal walk?

12 A. It's the parade from the stock cars to the
13 arena.

14 Q. And does that happen in every city?

15 A. Yes.

16 Q. And could you take this bull hook that's
17 been marked as Hagan Exhibit B, and I would like you to, if
18 you could, just take the sharp end of the hook and place
19 it on the palm of your hand and let the bull hook hang
20 off your hand. I'm trying to get a sense of how sharp it
21 is.

22 A. Okay.

23 MS. JOCHENS: Well, I object to the extent
24 that it's going to cause you any injury.

25

1 BY MS. MEYER:

2 Q. Don't injury yourself. Can you hold the
3 bull hook from the pointed end in the palm of your
4 comfortably --

5 A. Let it rest.

6 Q. -- comfortably?

7 A. It's not comfortable.

8 Q. Okay. How does that feel when you do that?

9 A. It digs into your hand.

10 Q. I'm sorry?

11 A. It digs into your hand.

12 Q. Is it painful?

13 A. Yes.

14 MS. MEYER: Okay. I don't have anymore
15 questions.

16 Anything else?

17 MS. OCKENE: No.

18 MS. JOCHENS: I think we have agreed to
19 take a lunch break at this time.

20 MS. MEYER: Yes.

21 THE VIDEOGRAPHER: We're going off the
22 record now at 12:56 p.m. time indicated on the
23 screen.

24 (A lunch break was taken.)

25 THE VIDEOGRAPHER: We are now back on the

1 the witness has been instructed not to answer,
2 we'll review that, but at this time I have no
3 further questions.

4 MS. MEYER: I have some additional
5 questions.

6

7

REDIRECT EXAMINATION

8 BY MS. MEYER:

9 Q. Mr. Hagan, with regard to the San Jose
10 incident that Mr. Gulland questioned you about and to which
11 Exhibits C through G pertain, were you under oath when you
12 checked into the Fairmont Hotel during that period of time?

13 A. Was I what?

14 Q. Were you under oath?

15 A. Under oath?

16 Q. Yes.

17 A. When I just talked to him?

18 MS. JOCHENS: No.

19

20 BY MS. MEYER:

21 Q. Were you under oath when you checked into
22 the Fairmont Hotel and gave them your identify?

23 A. No, no, no.

24 Q. And when you checked into the hotel in New
25 Orleans and instructed the hotel to send the bills to the

1 Tulane Medical Center, were you under oath at that time?

2 A. No.

3 Q. Were you under oath when you filled out the
4 application for employment that has been marked as Exhibit
5 H?

6 A. No.

7 Q. You mentioned in response to one of
8 Mr. Gulland's questions that the attrition rate at Ringling
9 Brothers is really high; is that correct?

10 A. Yes, ma'am.

11 Q. Can you explain what you meant by that?

12 A. The employment rate. The turnover rate for
13 employees is extremely high compared to the regular work
14 world.

15 Q. Can you be more specific about what you
16 mean?

17 A. Meaning we go through ten guys a week --
18 that's not uncommon to go through ten or twenty people a
19 week in certain areas or certain times of the year. Their
20 overall employee turnover rate is really high.

21 Q. Do you know why that is?

22 A. Could be based on the treatment of the
23 employees. It could be based on the pay. It could be any
24 number of reasons.

25 Q. And you stated in answer to one of