

**PLAINTIFFS' MEMORANDUM  
REGARDING 2/19/2009 EVIDENTIARY MATTERS**

**ATTACHMENT B**

James M. Andacht

January 30, 2008

Washington, DC

Page 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN SOCIETY FOR THE      :
PREVENTION OF CRUELTY TO     :
ANIMALS, et al.,             :
                               :
    Plaintiffs,               :
                               :
        v.                     :   Civ No. 03-2006
                               :   (EGS/JMF)
RINGLING BROTHERS AND BARNUM  :
& BAILEY CIRCUS, et al.,     :
                               :
    Defendant.                :
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Washington, D.C.

Tuesday, January 30, 2008

Video Deposition of

JAMES M. ANDACHT, called for examination by  
counsel for Plaintiffs, pursuant to notice, at the  
Law Offices of Meyer Glitzenstein & Crystal, 1601  
Connecticut Avenue, N.W., Washington, D.C.,  
commencing at 10:07 a.m., before Barbara A. Huber,  
Notary Public in and for the District of Columbia,  
when were present on behalf of the respective  
parties:

James M. Andacht

January 30, 2008

Washington, DC

Page 2

1 APPEARANCES:

2 On behalf of Plaintiffs:

3 KATHERINE A. MEYER, ESQUIRE  
4 Meyer Glitzenstein & Crystal  
1601 Connecticut Avenue, N.W.  
Suite 700  
5 Washington, D.C. 20009-1056  
(202) 588-5206  
6 katherinemeyer@meyerglitz.com

7 On behalf of Defendant and The Witness:

8 JOHN M. SIMPSON, ESQUIRE  
9 Fulbright & Jaworski, LLP  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2623  
10 (202) 662-0200  
jsimpson@fulbright.com

11  
12 On behalf of Defendant:

13 JULIE ALEXA STRAUSS, ESQUIRE  
Feld Entertainment  
8607 Westwood Center Drive  
14 Vienna, Virginia 22182  
(703) 448-4065  
15 jstrauss@feldinc.com

16 Also Present:

17 S. Anthony Francis, Videographer

18  
19 \* \* \* \* \*

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James M. Andacht

January 30, 2008

Washington, DC

Page 3

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C O N T E N T S

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EXAMINATION BY:

PAGE

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Counsel for Plaintiffs

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ANDACHT DEPOSITION EXHIBITS:

PAGE

7

(Exhibits Attached)

8

No. 1 - Letter, January 22, 2008; Attachments

6

9

No. 2 - Letter, January 28, 2008

6

10

No. 3 - Daily Performance Data Report

131

11

No. 4 - Internet Article, January 25, 2008

155

12

No. 5 - Document, Bates FEI 16646 - 16648

177

13

No. 6 - Document, Bates FEI 16614 - 11618

189

14

No. 7 - Document Bates FEI 16593 - 16599

200

15

No. 8 - Document, Bates FEI 29446

214

16

No. 9 - Document, Bates FEI 15025 - 15027

227

17

No. 10 - Document, Bates FEI 15024

250

18

No. 11 - U.S. Department of Agriculture

19

APHIS Form 7020

263

20

No. 12 - Document, Bates FEI 45271 - 45284

306

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Alderson Reporting Company

1-800-FOR-DEPO

James M. Andacht

January 30, 2008

Washington, DC

Page 4

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P R O C E E D I N G S

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VIDEOGRAPHER: Good morning. This begins tape number one of the videotape deposition of Mr. James Andacht, taken in the matter of ASPCA et al., Plaintiffs, versus Ringling Brothers and Barnum & Bailey Circus, et al., Defendants, pending in the United States District Court for the District of Columbia. Case Number 03-2006 (EGS/JMF).

This deposition is being held at the offices of Meyer Glitzenstein & Crystal, located at 1601 Connecticut Avenue Northwest, Washington, D.C., on January 30th, 2008, at approximately 10:07 a.m.

My name is Solomon Francis, from the firm of Alderson Court Reporting. And I'm the legal video specialist. The court reporter is Barbara Huber, in association with Alderson Court Reporting, located at 1111 14th Street, Northwest, Washington, D.C.

For the record, will counsel please introduce themselves and whom they represent?

James M. Andacht

January 30, 2008

Washington, DC

Page 5

1 MS. MEYER: Katherine Meyer for the  
2 Plaintiffs.

3 MR. SIMPSON: John Simpson for the  
4 Defendant and for the witness.

5 MS. STRAUSS: Julie Strauss, in-house  
6 counsel Feld Entertainment.

7 VIDEOGRAPHER: Will the court reporter  
8 please swear or affirm the witness.

9 Whereupon,

10 JAMES M. ANDACHT,  
11 was called as a witness by counsel for Plaintiffs,  
12 and having been duly sworn or affirmed by the  
13 Notary Public, was examined and testified as  
14 follows:

15 EXAMINATION BY COUNSEL FOR PLAINTIFFS  
16 BY MS. MEYER:

17 Q Would you please state your full name  
18 for the record?

19 A James Michael Andacht.

20 MS. MEYER: I'd like to have marked as  
21 Exhibit 1 the letter that I wrote to Lisa Joiner  
22 on January 22nd, 2008, which includes the

James M. Andacht

January 30, 2008

Washington, DC

Page 228

1 Q All right. This is an e-mail that was  
2 sent from Deborah Fahrenbruck to Mike Stewart on  
3 January 8th, 2005, with an attachment.

4 Do you see that?

5 A Uh-huh. Yes.

6 Q The attachment is a letter that she had  
7 drafted to Mr. Feld, but she says she did not send  
8 it to Mr. Feld but she sent it to Mr. Stuart.

9 Do you see that?

10 A Yes.

11 Q Okay. And you've had a chance to read  
12 the attachment that she sent to Mr. Stuart,  
13 correct?

14 A Yes.

15 Q And at the time, January 8th, 2005, Mike  
16 Stewart was the general manager of the blue unit,  
17 correct?

18 A That is correct.

19 Q All right. And if you look at the first  
20 full page of the draft letter that she sent to  
21 Mr. Stuart, which is FEI 15026, if you go to  
22 the -- the bottom paragraph.

James M. Andacht

January 30, 2008

Washington, DC

Page 229

1 Ms. Fahrenbruck states, quote, As  
2 everyone is aware Isham is practicing to take over  
3 ring one in manage. Last night in the show I  
4 observed him hook Lutzi under the trunk three  
5 times and behind the leg once in attempt -- in an  
6 attempt to line her up for the T-mount. After the  
7 act, I stopped back stage and observed blood in  
8 small pools and dripped along the length of the  
9 rubber and all the way inside the barn, end quote.

10 Do you see that?

11 A Yes.

12 Q Her reference to manage would be the  
13 elephant act that you referred to earlier; is that  
14 correct?

15 A Correct.

16 Q Okay. And Lutzi is one of the elephants  
17 who at the time was on the blue unit; is that  
18 correct?

19 A By this, yes.

20 Q Okay. And Isham was one of the handlers  
21 on the blue unit in -- when this incident was  
22 being recorded; is that correct?



James M. Andacht

January 30, 2008

Washington, DC

Page 230

1 A Yes.

2 Q All right. And Isham still works for  
3 the company; is that correct?

4 A Yes.

5 Q And is he still a handler on the blue  
6 unit?

7 A Yes.

8 Q All right. And who is Deborah  
9 Fahrenbruck at the time?

10 A I think she was still the veterinary  
11 technician -- the vet tech.

12 Q Okay. Actually at the end of the letter  
13 she signs her name as Deborah Fahrenbruck, Animal  
14 Behaviorist, Feld Entertainment, Inc.

15 Do you see that?

16 A Yes.

17 Q Okay. What -- what were her duties as  
18 the animal behaviorist?

19 A She was the vet tech, but she  
20 particularly liked that title more.

21 Q She was the vet tech?

22 A That's -- as far as I know, the -- the

James M. Andacht

January 30, 2008

Washington, DC

Page 231

1 job is the veterinary technician. She called  
2 herself an animal behaviorist. And she sometimes  
3 signed her name that way. But she was the vet  
4 tech.

5 Q Okay. Did the company call -- refer to  
6 Deborah Fahrenbruck as an animal behaviorist?

7 A I -- I don't know.

8 Q Okay. Well, if they had referred to her  
9 that way, would that have been a misnomer?

10 A I don't know -- when we came on, I think  
11 she was being called that, the animal behaviorist,  
12 when I came on board.

13 Q Okay.

14 A I never made the change, other than as  
15 we talked and went forward, we talked about vet  
16 techs in that position. And that -- that's how  
17 I've always remembered her, as Debbie Fahrenbruck,  
18 the vet tech. She was the vet tech on the unit.  
19 Whether her title, according to this, was animal  
20 behaviorist, I don't -- I don't know.

21 Q Okay. Do you know anything about  
22 Deborah Fahrenbruck's background?

James M. Andacht

January 30, 2008

Washington, DC

Page 252

1 Do you see that?

2 A Yes.

3 Q Okay. Do you know who Angelica is?

4 A One of the elephants.

5 Q All right. Do you know how old Angelica  
6 would have been at the time?

7 A No.

8 Q Do you know how old she is now?

9 A No.

10 Q Do you know if she's an adult elephant?

11 A Not really.

12 Q All right. And Troy would have been  
13 referring to Troy Metzler; is that correct?

14 A I'm assuming that's correct.

15 Q Okay. Is there any other Troy that this  
16 could be referring to?

17 A I don't think so.

18 Q All right. And at the time, Troy

19 Metzler was an elephant handler for the blue unit

20 for the circus; is that correct?

21 A Trainer, handler, presenter.

22 Q Okay. And when she says Troy was