

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

**ATTACHMENT C**

Kenneth Feld

January 16, 2008

Washington, DC

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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, : Civ. No.

V. : 03-02006

RINGLING BROTHERS AND BARNUM & BAILEY : (EGS)

CIRCUS, et al., :

Defendants. :

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Washington, D.C.

Wednesday, January 16, 2008

Videotaped deposition of KENNETH FELD, 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 10:04 a.m., Wednesday, January 16, 2008, and the proceedings being taken down by Stenotype by OKEEMAH S. HENDERSON and transcribed under her direction.

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1 APPEARANCES:

2 On behalf of the Plaintiffs:

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4 DELCIANNA J. WINDERS ESQ.

5 Meyer, Glitzenstein & Crystal

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10 On behalf of the Defendants:

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12 JOHN M. SIMPSON, ESQ.

13 Fulbright & Jaworski, L.L.P.

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15 E-Mail: jsimpson@fulbright.com

16 ALSO PRESENT:

17 RICK SANBORN, Videographer

18 JULIE ALEXA STRAUSS, ESQ.

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Alderson Reporting Company

1-800-FOR-DEPO

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

WITNESS

EXAMINATION BY COUNSEL FOR

KENNETH FELD

PLAINTIFFS

By Ms. Meyer

5

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

NO.

IDENT.

|    |                                     |     |
|----|-------------------------------------|-----|
| 1  | Notice of deposition                | 6   |
| 2  | E-mail dated 6/18/99                | 81  |
| 3  | Excerpt of trial testimony          | 94  |
| 4  | Letter dated 1/8/05                 | 115 |
| 5  | E-mail dated 1/8/05 with notes      | 143 |
| 6  | E-mail dated 8/30/04                | 160 |
| 7  | E-mail chain dated 7/25/04          | 170 |
| 8  | USDA report of investigation 9/1/99 | 178 |
| 9  | Animal activist activities          | 192 |
| 10 | Letter dated 12/14/97               | 220 |
| 11 | Excerpt of answers by Bruce Reed    | 230 |
| 12 | Color brochure                      | 236 |
| 13 | Open letter to animal rights groups | 293 |
| 14 | Open letter to animal rights groups | 299 |
| 15 | E-mail from Catherine OrtMabry      | 313 |

(Original exhibits attached.)

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

2 THE VIDEO OPERATOR: Here begins  
3 videotape No. 1 in the deposition of Kenneth Feld  
4 in the matter of the American Society for the  
5 Prevention of Cruelty to animals, et all versus  
6 Feld Entertainment filed in the United States  
7 District Court. District Court case No. 03-2006.

8 Today's date is January 16, 2008. The time  
9 is 10:04 a.m. This deposition is being held at  
10 the offices of Meyer Glitzenstein & Crystal, 1601  
11 Connecticut Avenue, Northwest, Washington, D.C.

12 The Court Reporter is Okeemah Henderson.  
13 The video camera operator is Rick Sanborn, both  
14 are on behalf of Alderson Reporting Company. Will  
15 counsel, please, introduce themselves and state  
16 whom they represent.

17 MS. MEYER: Katherine Meyer for the  
18 plaintiffs.

19 MS. WINDERS: Delci Winders for the  
20 plaintiffs.

21 MR. SIMPSON: John Simpson for the  
22 defendant, Feld Entertainment and for the witness,

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1 Kenneth Feld.

2 MS. JOINER: Lisa Joiner on behalf of  
3 the same entity and person as Mr. Simpson.

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

6 THE VIDEO OPERATOR: Will the Court  
7 Reporter, please, swear in the witness.

8 Whereupon,

9 KENNETH FELD,  
10 called as a witness, having been first duly sworn  
11 to tell the truth, the whole truth, and nothing  
12 but the truth, was examined and testified as  
13 follows:

14 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS:

15 BY MS. MEYER:

16 Q. Good morning, Mr. Feld?

17 A. Good morning.

18 Q. Would you, please, state your full  
19 name, for the record?

20 A. Kenneth Feld.

21 Q. And before we start, I wanted to make  
22 as an exhibit the letter and notice of deposition

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1 of that.

2 Q. But you haven't found out yet?

3 A. No.

4 Q. Mr. Feld, do you know who Deborah  
5 Fahrenbruck is?

6 A. Yes.

7 Q. Who is she?

8 A. She is currently with our government  
9 relations department.

10 Q. What's her title, do you know?

11 A. No.

12 Q. She works under Mr. Albert?

13 A. Correct.

14 Q. Has she ever worked for Feld  
15 Entertainment in any other capacity?

16 A. Yes. She was initially hired, I  
17 believe, as an animal behaviorist and worked for a  
18 while between the units and then I think on one of  
19 the units.

20 Q. And what does an animal behaviorist do  
21 for Feld Entertainment?

22 A. Well, in her situation when she came

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1 A. Yes.

2 Q. Have you ever seen this document  
3 before?

4 A. Only in connection with this  
5 litigation.

6 Q. When is the first time you saw it?

7 A. Yesterday.

8 Q. Yesterday.

9 A. Yes.

10 Q. Okay. No one brought this document to  
11 your attention before yesterday?

12 A. Correct.

13 Q. Who is Mike Stewart?

14 A. Mike Stewart was the general manager  
15 of the, I think the blue unit.

16 Q. For the record, this appears to be an  
17 electronic message sent from Deborah Fahrenbruck  
18 to Mike Stewart dated January 8, 2005. Do you see  
19 that?

20 A. Yes.

21 Q. And it says subject, M-R-F-E-L-D.doc.  
22 Do you see that?



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1 MR. SIMPSON: Object to the form.

2 A. Based on what this says. It says that  
3 it was sent on this day. Yes.

4 BY MS. MEYER:

5 Q. And in January, 2005, Mike Stewart was  
6 general manager of the blue unit; is that correct?

7 A. I think so.

8 Q. Was Deborah Fahrenbruck the animal  
9 behaviorist for the circus in 2005?

10 A. She may have been.

11 Q. Could she have held some other  
12 position in 2005?

13 A. I don't know if that's the exact title  
14 she would have had. I think she was employed by  
15 the circus at that time.

16 Q. Now, you said you've never seen this  
17 document which appears to be some letter that she  
18 drafted, Ms. Fahrenbruck drafted to you?

19 A. Correct.

20 MR. SIMPSON: Object to the form that's  
21 not what he said.

22 BY MS. MEYER:

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1 A. Yes.

2 Q. And assuming she was still the animal  
3 behaviorist in 2005?

4 A. That's what I said. I don't know if  
5 she was.

6 Q. Okay. Assuming she were?

7 A. Okay.

8 Q. Part of her job would be to make sure  
9 the animals were treated well, correct?

10 A. I assume so.

11 Q. And part of her job would be if she  
12 saw an animal mistreated, would be to report it to  
13 the appropriate individuals at the circus; is that  
14 correct?

15 A. That's correct.

16 Q. So when she's reporting to Mr. Stewart  
17 about what she observed at the blue unit, that was  
18 an appropriate exercise of her job, was it not?

19 A. I believe so.

20 Q. Now, Mr. Stewart as a general manager  
21 of the circus had no obligation to report to you  
22 about observations of mistreatment of the animals