

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

**ATTACHMENT D**

Troy J. Metzler

July 25, 2006

Washington, DC

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UNITED DISTRICT COURT

FOR THE THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE )  
 PREVENTION OF CRUELTY TO )  
 ANIMALS, et al. ) Case No.  
 Plaintiffs, ) 1:03-cv-02006  
 -vs- ) (EGS/JMF)  
 RINGLING BROS. AND BARNUM & )  
 BAILEY CIRCUS, et al., )  
 Defendant. )

Tuesday, July 25, 2006

Washington, D.C.

Video Deposition of TROY J. METZLER  
 called for examination by counsel for the  
 Plaintiff, pursuant to notice, held at the  
 offices of Meyer Glitzenstein & Crystal, 1601  
 Connecticut Avenue, N.W., Washington D.C.,  
 beginning at 9:35 a.m., before Karen N.  
 McConnell, CSR-RMR-CRR, a notary public in and  
 for the District of Columbia, when were present  
 on behalf of the respective parties:

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1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 KATHERINE A. MEYER, ESQ.

4 KIMBERLY OCKENE, ESQ.

5 Meyer Glitzenstein & Crystal

6 1601 Connecticut Avenue, N.W.

7 Suite 700

8 Washington D.C. 20009

9 (202) 588-5206

10 katherinemeyer@meyerglitz.com

11

12 On behalf of the Defendants:

13 LISA ZEILER JOINER, ESQ.

14 MICHELLE C. PARDO, ESQ.

15 Fulbright & Jaworski

16 801 Pennsylvania Avenue, N.W.

17 Washington, D.C. 20004-2623

18 (202) 662-0200

19 ljoiner@fulbright.com.

20 Also present: Tracy Silverman, Animal Welfare  
21 Institute

22 Dustin Lavalley, Videographer

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1 C O N T E N T S

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3 Examination of TROY J. METZLER Page

4

5 BY MS. MEYER: 5

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9 E X H I B I T S

10

11 Number Description Page

12

13 1 Subpoena 6

14 2 Invoice, payment requisition, 326

15 copy of check

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

2 THE VIDEOGRAPHER: This is tape number  
3 1 in the video deposition of Mr. Troy Metzler in  
4 the matter of the American Society for the  
5 Prevention of Cruelty to Animals, et al., versus  
6 Ringling Bros. and Barnum & Bailey Circus, in  
7 the United States District Court, District of  
8 Columbia, Case Number 1:03-CV-02006 (EGS/JMF).

9 The deposition is being held in the  
10 law offices of Meyer Glitzenstein & Crystal at  
11 1601 Connecticut Avenue, Northwest, Washington,  
12 D.C. 20009. And we are on the record at 9:35  
13 a.m. on July 25, 2006.

14 My name is Dustin Lavallee in  
15 association with Alderson Reporting, 1111 14th  
16 Street, Suite 400, Washington, D.C. 20005. And  
17 I'm the legal video specialist. The court  
18 reporter is Karen McConnell, also in association  
19 with Alderson Reporting.

20 For the record, will counsel please  
21 introduce themselves.

22 MS. MEYER: Yes. I'm Katherine Meyer,

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1 representing the Plaintiffs.

2 MS. OCKENE: Kimberly Ockene, also  
3 representing the Plaintiffs.

4 MS. JOINER: Lisa Joiner, here on  
5 behalf of Feld Entertainment, Inc., and the  
6 witness, Mr. Metzler.

7 MS. PARDO: Michelle Pardo, here on  
8 behalf of Feld Entertainment and Troy Metzler.

9 MS. SILVERMAN: Tracy Silverman on  
10 behalf of the Animal Welfare Institute.

11 THE VIDEOGRAPHER: Will the court  
12 reporter please swear in the witness.

13 Whereupon,

14 TROY J. METZLER

15 a witness, called for examination by counsel for  
16 the Plaintiffs, and, after having been sworn by  
17 the notary, was examined and testified as  
18 follows:

19 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS:

20 MS. MEYER: I wanted to just make a  
21 brief statement for the record, which was to  
22 explain that Mr. Metzler is here pursuant to

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1 Q. All right. When did it first change?

2 A. Somewhere around 2003.

3 Q. Okay. Before 2003 what was your job  
4 title?

5 A. Performer. Presenter. I took care of  
6 the five young ones.

7 Q. Okay. And then when did your job  
8 title change?

9 A. Around 2003 and 2004.

10 Q. And what was your new job title?

11 A. Superintendent of elephants.

12 Q. And is there a superintendent of  
13 elephants for the Red Unit as well?

14 A. I'm not sure of that.

15 Q. When you say superintendent of  
16 elephants, that's just with respect to the Blue  
17 Unit, is that correct?

18 A. Yes.

19 Q. How many units does the circus have?

20 A. Three.

21 Q. Could you state what they are?

22 A. Blue, Red, and Gold.

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