

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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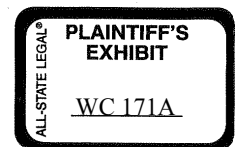
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Washington, D.C.

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:



1 APPEARANCES:

2 On behalf of Plaintiffs:

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12 On behalf of Defendant:

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16 Also Present:

17 S. Anthony Francis, Videographer

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1 A No, I do not.

2 Q How long did your deposition last?

3 A Four or five hours.

4 Q So you're generally familiar with how
5 depositions are conducted; is that correct?

6 A From that one time.

7 Q Okay. You're employed at Feld

8 Entertainment currently; is that correct?

9 A Uh-huh. Yes.

10 Q What is your title at Feld

11 Entertainment?

12 A Vice president of circus operations.

13 Q Do you have any other titles currently?

14 A No.

15 Q Are you currently also serving as the
16 general manager for the blue unit?

17 A Acting.

18 Q So you're serving currently as the
19 acting general manager for the blue unit; is that
20 correct?

21 A Yes.

22 Q All right. And how long have you had

1 the title of vice president of circus operations?

2 A Going on five years. Five years in
3 July, June/July.

4 Q So 2002? Two thousand --

5 A '3, right?

6 Q 2003.

7 A 2005, '6, '7, '8.

8 Q My math's not great.

9 Okay. And before you became the vice
10 president of circus operations, did you have
11 another position with Feld Entertainment?

12 A Yes.

13 Q What was that?

14 A Vice president of support.

15 Q And how long were you the vice president
16 of support?

17 A Approximately two years.

18 Q From 2001 to 2003?

19 A Yes.

20 Q Okay. And --

21 A September of 2001.

22 Q September of 2001?

1 Q Where did you go to college?

2 A University of Wisconsin Waukesha, UWM.

3 Q UWM?

4 A University of Wisconsin Milwaukee. And

5 for a semester University -- University of

6 Wisconsin Parkside.

7 Q All right. What are your duties as vice

8 president of circus operations?

9 A I'm in charge of oversee of the three

10 circus units: The blue, the red, and the gold;

11 also the CEC, which is our facility in -- in Polke

12 County; and Williston, which is our retirement

13 facility. I'm also -- part of the

14 responsibilities are to -- basically to take the

15 mission statement of our company, if you may say,

16 of being the -- in charge of the best live

17 entertainment circus in the world, and improving

18 it or taking it to new levels.

19 Q Okay. When you say you oversee the

20 three circus units, what does that entail?

21 A Entails having weekly conference calls

22 with my -- with the -- with the general managers,

1 that we've been talking about?

2 A Mostly the things that I e-mail Kenneth
3 about are -- are production-related. And when I
4 say that it's -- we do a new show every year. And
5 so I'm also heavily involved in the putting
6 together of those shows. So we correspond on
7 things like set pieces, you know, the size of the
8 show, the logistics of the show.

9 Q And then when you -- when you're doing a
10 new show, do you also keep him apprised of how
11 it's going?

12 A He's usually there.

13 Q He attends the show? Is that --

14 A He attends --

15 Q -- what you're saying?

16 A -- the rehearsal period, yes.

17 Q Okay. So Mr. Feld is kept informed
18 about what's going on at the circus?

19 A When he's at the rehearsals.

20 Q Okay. But even when he's not at the
21 rehearsals, it sounds like either you or
22 Mr. Shannon keep him pretty well informed about

1 I'll -- I have probably ridden the train half a
2 dozen times. As part of that responsibility, I've
3 been to the load-ins and load-outs, and generally
4 been around as much as possible, with no specific
5 schedule of it.

6 Q Okay. And is -- is the circus currently
7 looking for someone to fill that job as the
8 general manager of the blue unit?

9 A We've actually found someone.

10 Q Oh, you have? Okay.

11 Can you tell me who it is?

12 A Sure.

13 Q Who is it?

14 A Mike -- Mike Stuart.

15 Q Okay. Has Mike Stuart held that
16 position before?

17 A Yes, he has.

18 Q When did he hold that position?

19 A From I would say November of '04 through
20 March, middle of March of '06.

21 Q And what position -- has he worked for
22 Feld Entertainment since March of '06?

1 could have in your head as institutional
2 knowledge; is that correct?

3 A Yes.

4 Q And there's no reason to have that in
5 the actual written --

6 A I'm not --

7 Q Let me -- let me -- I'm sorry. Let me
8 just finish asking -- asking the question.

9 There's no reason to have a written
10 record of that in Mr. Stuart's personnel record?

11 A Not -- not for me.

12 Q Okay. Would there be a reason to have
13 it in his record for anyone else at the circus?

14 A I don't -- I don't know. I mean, you'd
15 have to ask HR. Maybe there is something. I
16 don't -- I don't know.

17 Q All right.

18 A Or human resources.

19 Q But as far as you're concerned, there's
20 no reason to have any written record in

21 Mr. Stuart's personnel record concerning the

22 incident that you described earlier about the

1 animals not being provided water on the train when
2 the circus was going to Baltimore; is that
3 correct?

4 A Not for me.

5 Q Okay. Are you familiar with -- well,
6 let me ask you this.

7 Is there a policy at the circus for
8 taking disciplinary action with respect to an
9 employee who commits an infraction of company
10 policy?

11 MR. SIMPSON: Object to the form of the
12 question.

13 THE WITNESS: Is there a pol -- could
14 you repeat it?

15 BY MS. MEYER:

16 Q Is there some kind of policy that
17 governs how employees are dealt with if they break
18 the rules of circus?

19 A Not so -- not written, or I don't think
20 so.

21 Q Is there any kind of policy at all
22 governing the reprimand of employees for

1 misconduct at the circus?

2 A Well, we do write people up.

3 Q Okay. Can you -- that's some --

4 A If you mean -- if that's what you're

5 saying.

6 Q That's what I want to know about.

7 A Okay.

8 Q Can you -- can you describe that policy

9 to me?

10 A If there's an infraction and if we feel

11 that we need to, we would write someone up, with

12 the assistance usually of HR.

13 Q Okay. What kind of infractions are we

14 talking about?

15 A Could be late for work.

16 Q Okay. Any other examples?

17 A Could be not wearing safety equipment.

18 Q All right.

19 A Whatever -- I -- I think it's more what

20 management deems as whether or not it's important

21 enough to write someone up.

22 Q All right. How about drinking on the

1 job?

2 A Well, we would probably write someone up
3 for that.

4 Q Okay. How about being late for work?

5 Or you mentioned that one.

6 How about missing a shift?

7 A Yes.

8 Q That's the kind --

9 A Could be.

10 Q That's the kind of thing that would be
11 written up?

12 A Depending.

13 Q Depending on what?

14 A Why they missed the shift.

15 Q What about if they overslept?

16 A Would be a good reason to write someone
17 up.

18 Q Okay. And when you say with the
19 assistance of HR, what kind of assistance does HR
20 provide with respect to the -- the policy of
21 writing someone up?

22 A They might -- they might help in the

1 construction of the formal writeup.

2 Q All right.

3 A They may observe it, look at it.

4 Q Okay. Who on the units is responsible
5 for the writeups?

6 A Depends on -- it could be any manager.

7 Q Okay. Let's assume that it's a writeup
8 about a member of the elephant crew.

9 Who would be responsible for the
10 writeup?

11 A It could be the animal superintendent.

12 Q Okay.

13 A It could be the elephant department
14 head. It could be the operations manager. It
15 could be the general manager.

16 Q All right. What about insubordination?
17 Is that the kind of thing that would be written
18 up?

19 A It could, yes.

20 Q Normally is that the kind of thing
21 that's written up?

22 A I don't really see them physically.

1 Q Uh-huh.

2 A But it could be, yes.

3 Q Okay. You're saying you don't
4 physically see --

5 A I don't see --

6 Q -- the writeups?

7 A -- the -- in what you were saying to me
8 was like one more than the other, I don't -- I
9 don't know. I don't usually see all the different
10 writeups.

11 Q Okay. I'm just trying to -- to sort of
12 get a sense of the categories of infractions that
13 would be covered by this policy. That's all.

14 So insubordination was one that I'd gone
15 and --

16 A Uh-huh.

17 Q -- I was just asking if that's --

18 A Yeah.

19 Q -- the kind of thing that would be
20 written up?

21 Okay. And when you say -- when you say

22 it's written up, that writeup becomes a document

1 that's entered into the employee's personnel file;

2 is that correct?

3 A If it gets to that level, yes.

4 Q Okay. And is the employee given some --

5 some opportunity to give his or her side of story?

6 A Yes.

7 Q Okay. And is that -- is that normally

8 done?

9 A Yes.

10 Q And is that also included in the

11 person's personnel file?

12 A I would hope so.

13 Q Okay. I mean that's part of the policy?

14 A Yes.

15 Q Okay. Are there some instances in which

16 infractions are not written down, or written up I

17 should say?

18 A It can only gone on the -- you know, on

19 what I know. But, yeah, I'm -- assume that there

20 are times that they're not written up, yes.

21 Q Okay. What would be the circumstances

22 under which --

1 and what investigation we done -- we've done to
2 figure out whether or not it actually merits a
3 writeup.

4 Q Okay. Could a writeup occur months
5 after the incident occurred?

6 A I don't know.

7 Q All right. How about a year after the
8 incident occurred?

9 A Again, I don't know.

10 Q All right. Now, does the writeup policy
11 that we've been discussing apply to an employee
12 who mistreats an animal?

13 A Rephrase that question. I'm sorry.

14 Q Would an employee who mistreats an
15 animal be written up for that?

16 A I don't know.

17 Q Under what circumstances would -- would
18 an employee who mistreats an animal not be written
19 up?

20 A Would, I guess again, whether or not an
21 investigation proved or not that someone actually
22 did something.

1 VIDEOPHOTOGRAPHER: The time is 11:45 a.m.

2 This begins tape number two.

3 BY MS. MEYER:

4 Q Mr. Andacht, if it were determined that
5 an employee at the circus had mistreated an
6 animal, is that something that would result in a
7 written reprimand?

8 A It could.

9 Q Well, under what circumstances would it
10 not result in a written reprimand?

11 A As I said before, that, you know, if an
12 investigation was had and it was determined that
13 it hadn't happened, then would we wouldn't have a
14 writeup.

15 Q No, I understand that. I'm talking
16 about you've done your investigation, you've
17 determined that in fact an employee mistreated an
18 animal, is that something that would always result
19 in a written reprimand?

20 A Always?

21 Q Yes.

22 A Or it could? It could.

1 Q So now I'm asking you under what
2 circumstances would it not result in a written
3 reprimand?

4 MR. SIMPSON: Object to the form of the
5 question.

6 THE WITNESS: Ask me one more time, if
7 you wouldn't mind.

8 BY MS. MEYER:

9 Q Under what circumstances would a
10 determination that an employee had mistreated an
11 animal not result in a writeup for that employee?

12 MR. SIMPSON: Object to the form.

13 THE WITNESS: It -- it could end up in a
14 writeup. It might not end up in a writeup.

15 BY MS. MEYER:

16 Q I understand that you're saying that.
17 I'm trying to find out in what
18 circumstances would it not relate in a writeup?

19 A I think it would be determined on -- on
20 what the circumstances were.

21 Q What does that mean?

22 A Give me an example.

1 Q No, I'm trying to get an example from
2 you.

3 A Oh. Sorry.

4 Q Again, let's -- okay. I'll give you an
5 example.

6 If the company determined that an
7 elephant handler had mistreated an elephant by
8 striking it with a bull hook, would that be
9 written up?

10 MR. SIMPSON: Object to the form.

11 THE WITNESS: And I keep saying -- I
12 mean, I would keep saying it could. It might, it
13 might not.

14 BY MS. MEYER:

15 Q Okay. If the company had determined
16 that an employee had mistreated an elephant with
17 the use of a bull hook, would that result in a
18 written writeup?

19 MR. SIMPSON: Object to the form of the
20 question.

21 THE WITNESS: Again, and I would just
22 say it might and it might not. I don't --

1 BY MS. MEYER:

2 Q But why -- under what circumstances
3 would it not result in a written reprimand?

4 MR. SIMPSON: Object to the form.

5 THE WITNESS: I'm not saying that it
6 would always end up in a writeup. I mean --

7 BY MS. MEYER:

8 Q I know.

9 A -- it might, it might not. I don't
10 know, so --

11 Q And I'm asking you under what
12 circumstances would it not?

13 MR. SIMPSON: Object to the form. He's
14 already answered he doesn't know.

15 THE WITNESS: Again, I -- I would just
16 say it might or it might not. I don't -- I don't
17 know.

18 BY MS. MEYER:

19 Q All right. So the circus does not have
20 a policy under which an employee who mistreats an
21 elephant receives a written reprimand; is that
22 correct?

1 MR. SIMPSON: Object to the form.

2 You're arguing with the witness.

3 THE WITNESS: Again, if -- it may or may

4 not be written up. I don't know. I'm --

5 BY MS. MEYER:

6 Q Okay.

7 A -- not there.

8 Q So if the circus determines that in fact

9 an employee has mistreated an elephant, it may not

10 result in a written reprimand; is that correct?

11 A It -- it might or it might not.

12 Q Okay. When Mr. Stuart was employed as

13 the general manager of the blue unit between 2004

14 and March of 2006, were you acting as his

15 superior?

16 A Yes.

17 Q Did he have a responsibility to report

18 to you about incidents of mistreatment of animals

19 on the blue unit?

20 A He might or might not.

21 Q He had no responsibility to report to

22 you about incidents of mistreatment of animals on

1 the blue unit; is that correct?

2 MR. SIMPSON: Object to the form of the
3 question.

4 THE WITNESS: Again, I -- you know, it
5 would de -- it would depend whether he probably
6 felt it was necessary to contact me or not.

7 BY MS. MEYER:

8 Q Okay.

9 A I don't know.

10 Q I'm not asking you whether he did.

11 I'm asking you whether he had a duty to
12 report to you about indents of mistreatment of
13 animals when he served as the general manager of
14 the blue unit between 2004 and 2006?

15 MR. SIMPSON: Object to the form.

16 THE WITNESS: Again, I -- it would
17 depend on what --

18 MS. MEYER: What is your objection,
19 Mr. Simpson?

20 MR. SIMPSON: Do you know what -- do you
21 know what she means by duty? Do you know what she
22 means by mistreatment? The terms are vague.

1 That's the objection. It's a vague question.

2 MS. MEYER: Okay.

3 BY MS. MEYER:

4 Q Do you want the question read back to
5 you?

6 A Certainly.

7 MS. MEYER: Can you read that question
8 back, please?

9 (Whereupon the reporter read
10 the record as requested.)

11 THE WITNESS: Again, I mean, what's
12 mistreatment? I mean, but it's -- it's more I
13 don't know. I mean it would be up to him to make
14 that determination to call me.

15 BY MS. MEYER:

16 Q So he had no --

17 A If he felt the severity was to the point
18 that he needed to discuss it with me.

19 Q Okay. So he had no obligation, as the
20 general manager of the blue unit, to report to
21 you, as the director of circus operations, if an
22 animal had been mistreated on the blue unit?

1 MR. SIMPSON: Same objection.

2 BY MS. MEYER:

3 Q Do you know what the word "duty" means?

4 A Uh-huh.

5 Q So you --

6 A I mean --

7 Q -- you know what it means?

8 A Yeah.

9 Q Okay. Do you know what the word
10 "report" means?

11 A Well, it also depends on what -- what --
12 what do you mean by report? He reports to me; a
13 report, paper report. I mean, what are you
14 talking?

15 Q Any kind of reporting?

16 A Yeah.

17 Q Okay. So I'm just asking you if part of
18 his job, as the general manager of the blue unit
19 between 2004 and 2006, required him to keep you
20 informed of incidents of mistreatment of the
21 elephants on the blue unit?

22 MR. SIMPSON: Object to the form of the

1 question.

2 THE WITNESS: Required?

3 BY MS. MEYER:

4 Q Yes.

5 A Say no, wasn't required.

6 Q Okay. So he had no obligation, as the
7 general manager of the blue unit, to keep you, as
8 the director of circus operations, informed about
9 incidents of mistreatment of the elephants; is
10 that correct?

11 MR. SIMPSON: Object to the form.

12 MS. MEYER: What's the objection?

13 MR. SIMPSON: You're arguing with the
14 witness. You're arguing with the witness.

15 MS. MEYER: I'm just trying --

16 MR. SIMPSON: You're going from one
17 proposition to the next. He's not -- he's not
18 here -- he's here to talk about the facts, not to
19 argue with you about whether there's somebody's
20 got an obligation or this or that. So --

21 MS. MEYER: Okay.

22 MR. SIMPSON: -- that's my objection.

1 Q Yes.

2 A I don't know that we have company
3 policy.

4 Q Okay. So there is no company policy
5 that requires the general managers of the units to
6 keep you informed about incidents of mistreatment
7 of animals; is that correct?

8 MR. SIMPSON: Object to the form of the
9 question.

10 THE WITNESS: There's nothing written,
11 that I'm aware of.

12 BY MS. MEYER:

13 Q Okay. Is there some oral policy about
14 that?

15 A To me, it's -- if there is mistreatment,
16 and if it's investigated, and if it's decided that
17 there has been mistreatment and not -- I wouldn't
18 say it would just be on the unit level. I think
19 if it was mistreatment, you know, myself would be
20 involved.

21 You're saying -- I think the way you're
22 saying it is that that's happening there, and then

1 it's coming back to me, that that -- then I wasn't
2 aware of it. If there was mistreatment, I would
3 want to -- I assume I would have been involved in
4 that process, if that makes sense.

5 Q When you say involved in the process --

6 A In -- in -- in -- in an investigation,
7 and seeing whether or not it actually did take
8 place.

9 Q So you would be involved in -- in -- in
10 the investigation itself? Is that what you're
11 saying?

12 A I'm not saying I would. I'm saying if
13 there was mistreatment, I would want to be
14 involved in -- in the process, or the -- or the --
15 in the process.

16 Q And if you -- if there were mistreatment
17 of an animal in the blue unit, you would want to
18 be informed of that, correct?

19 A If there was, yes.

20 Q Okay. And if your general manager did
21 not inform you of that, would that itself be a
22 violation of company policy?

1 MR. SIMPSON: Object to the form.

2 THE WITNESS: Again, I -- I'd have to go

3 back to what -- I don't know if it's -- if there

4 is mistreatment, so I don't know how I can judge

5 on that, or -- or make a decision on that.

6 BY MS. MEYER:

7 Q Okay. But I'm saying that in a

8 situation where there was an investigation, there

9 was a determination that there was mistreatment by

10 the general manager, the general manager

11 determined that an animal had been mistreated --

12 A Okay.

13 Q -- in that situation would you expect to

14 be informed by your general manager of that

15 mistreatment?

16 A Yes.

17 Q Okay. And if the general manager did

18 not inform you of the mistreatment in that

19 situation, would the general manager be violating

20 his duties to keep you informed?

21 A We don't really have anything written

22 re -- in respect to it, so I -- I would say no.

1 the various units?

2 A Not necessarily.

3 Q Okay. But you think maybe once a month?

4 A That was just a guess. I don't know.

5 Q Okay. But it's not a -- I'm just trying
6 to figure out how much --

7 A I --

8 Q -- how often in a -- in a weekly staff
9 meeting, let's say in a month, you might have
10 discussions about the elephant act on the blue
11 unit?

12 A Very rarely.

13 Q Okay. And an elephant act on the red
14 unit?

15 A Same.

16 Q Okay. Do you have a system in place, as
17 the vice president for circus operations, to
18 ensure that you're kept informed about incidents
19 of mistreatment of the animals at the circus?

20 A No.

21 Q You have no system at all?

22 A No.

1 Q Okay. Is there any system at the circus
2 for ensuring that high level officials at Feld
3 Entertainment are kept informed of incidents of
4 mistreatment of animals at the circus?

5 MR. SIMPSON: Object to the form of the
6 question.

7 THE WITNESS: I'm sorry?

8 MR. SIMPSON: I object to the form.

9 You can answer.

10 THE WITNESS: No.

11 BY MS. MEYER:

12 Q Okay. Are you in fact kept informed of
13 incidents concerning mistreatment of animals at
14 the circus?

15 A It's kind of a hard question to answer,
16 because it's an assumption in my mind. I -- I --
17 I don't know.

18 Q All right. If there were mistreatment
19 by an animal at the circus, would you expect to be
20 informed of that?

21 A Possibly.

22 Q Why wouldn't you expect to be informed?

1 Q Well, who has ultimate responsibility
2 for the well-being of the elephants in the circus?

3 A I don't know.

4 Q Well, do you think you have
5 responsibility for the well-being of the elephants
6 in the circus?

7 A I think there's a lot of people.

8 Q Okay. And let's go through them.
9 Are you one of them?

10 A Sure. Yes.

11 Q Okay. Is Mr. Feld one of them?

12 A It's his animals, yes.

13 Q Is Nicole Feld one of them?

14 A I would say so.

15 Q Who else?

16 A Vice president of animal stewardship,
17 which is Bruce Read.

18 Q Okay.

19 A Gary Jacobson, people on the units,
20 everyone.

21 Q Okay. Well, if you have responsibility
22 for the well-being of the elephants at the circus,

1 wouldn't you want to know about instances of

2 mistreatment of the elephants?

3 MR. SIMPSON: Object to the form of the
4 question.

5 THE WITNESS: Again, I would -- I -- I
6 think I've answered the question. But, I mean, to
7 me, it's -- do I want to know if there's
8 mistreatment? Certainly. Do I -- okay. Yes.

9 BY MS. MEYER:

10 Q Okay. So how do you ensure that you are
11 informed about incidents of mistreatment of
12 animals at the circus?

13 MR. SIMPSON: Object to the form.

14 THE WITNESS: I don't. I mean, I -- I
15 get my reports from my people. They tell me
16 what's going on. If -- if I know something -- or
17 if they know something, they tell me it, then I
18 know. If they don't, then I don't know.

19 BY MS. MEYER:

20 Q Okay. Have you ever instructed anyone
21 who works for you to make sure that they let you
22 know about incidents of mistreatment of animals at

1 the circus?

2 A No.

3 Q Okay. Is that part of the -- is that --
4 is any such instruction included in the employee
5 handbook?

6 A I don't know.

7 Q Okay. But as far as you know, there's
8 no formal policy to ensure that you are kept
9 informed about incidents of mistreatment of
10 animals at the circus; is that correct?

11 A That's correct.

12 Q Okay. And is there an informal policy
13 that you're kept informed?

14 A No.

15 Q Okay.

16 MS. MEYER: Okay. I'd like to have this
17 marked as an exhibit, please.

18 (Andacht Deposition Exhibit
19 No. 5 was marked for
20 identification.)

21 THE WITNESS: (Witness examined
22 document).

1 in fact sent a copy of this e-mail?

2 A Yes.

3 Q All right. And if you turn to the next
4 page, FEI 16647, you'll see that the e-mail starts
5 from, on Saturday July 24th, 2004, 12:41 p.m.,
6 from Heather Riggs.

7 Do you know who Heather Riggs is?

8 A She was a vet tech on the unit.

9 Q Which unit?

10 A The red unit.

11 Q Okay. Did she work for you?

12 A Directly for me? She worked in -- for
13 the red unit.

14 Q Okay. But I mean she was -- she was
15 under your ultimate supervision as vice president
16 of circus operations, correct?

17 A Yes.

18 Q All right. Is Heather Riggs no longer
19 with the red unit?

20 A No, I don't think Heather's with the
21 company any more.

22 Q Okay. Do you know when she left?

1 A Uh-huh.

2 Q Okay. So this is Dr. Lindsay forwarding
3 to you and others Heather Riggs' e-mail concerning
4 what she observed with respect to elephants with
5 lacerations; is that correct?

6 A That's what it says, yeah.

7 Q Okay.

8 A Yes.

9 Q And do you know what, if any, action was
10 taken as a result of this report by the vet tech?

11 A No, I do not.

12 Q If some disciplinary action had been
13 taken as a result of this report by the vet tech,
14 would you have been informed about that?

15 A I'm not -- I'm not sure.

16 Q Okay. Having received a copy of the
17 e-mail, would you expect to have been informed
18 about the resolution of this matter?

19 A I'm not sure. Maybe. Maybe not.

20 Q Okay. Do you know whether Sacha Houche
21 was reprimanded for any conduct that was
22 associated with this incident?

1 A I don't know.

2 Q Do you know whether an individual named
3 Jimmy Strickland was reprimanded for any conduct
4 associated with this incident?

5 A I don't know.

6 Q If Mr. Houche had been reprimanded for
7 conduct associated with this incident, would there
8 be a writeup about that?

9 A I don't know.

10 Q And if Jimmy Strickland had been
11 reprimand with respect to conduct that is -- that
12 is described in this incident, would that -- there
13 be a written writeup about that?

14 A I don't know.

15 Q Okay. Is this the first time you've
16 seen this e-mail?

17 A I don't recall it.

18 Q So it's possible that you received it --
19 we know you received it, correct?

20 A Yes.

21 Q Okay. So it's possible that you
22 received it and did not read it?

1 A It's possible.

2 Q Why wouldn't you have read it?

3 A I don't read all of my e-mails.

4 Q Okay.

5 A I receive a substantial number.

6 Q All right. Did Dr. Lindsay, in July of
7 2004, have any particular role for the company?

8 A I don't know the timing of when -- July
9 of 2004, if he was still the director of
10 veterinary care for the company, which would mean
11 he would have the role. He left the company as
12 that -- in that position. That sounds like the
13 time he might still have been there. I don't
14 know.

15 Q Do you know when Dr. Lindsay was the
16 director of veterinary care for Feld
17 Entertainment?

18 A Not the exact dates, no.

19 Q Do you have any idea what the dates are?

20 A No. I mean, when I started --

21 Q Uh-huh.

22 A -- in 2003 I guess, July of 2003 in this

1 position, he was there -- he was the director. I
2 don't know how long prior to. And -- and I don't
3 exactly know when he left. He was there for a
4 period of time after I took over the position.
5 And then he left the position.

6 Q Okay. Was he there for a period of time
7 in a different capacity other than director of
8 veterinary care, before he left?

9 A He still does certain things for us in
10 the veterinary world. If we're overstaffed, we
11 may use him to go and work with horses or
12 something. So I -- that's why I don't exactly
13 know when he left or --

14 Q Okay. Assuming he was still the
15 director of veterinary care in July of 2004, you
16 would have been receiving an e-mail from the
17 director of veterinary care forwarding a report
18 about --

19 A That is correct.

20 Q -- lacerations on several of the
21 elephants used in the circus; is that correct?

22 A Yes.

1 Q Okay. But you might not have read it?

2 A I might not have read it.

3 Q Do you remember having any discussion
4 with anybody about this incident?

5 A No.

6 Q All right. So as far as you know,
7 nothing came of this?

8 A As far as I know.

9 Q Okay. All right.

10 MS. MEYER: I'd like to have this marked
11 as an exhibit.

12 (Andacht Deposition Exhibit
13 No. 6 was marked for
14 identification.)

15 BY MS. MEYER:

16 Q And I've -- you've been handed a
17 document that's been marked as Exhibit 6. For the
18 record, it has a Bates-label of FEI 16614 through
19 11618. And it's been produced by Defendant in
20 this case. And I'd ask you to take a look at it.

21 A (Witness examined document).

22 Q Have you had a chance to look at it?

1 animal?

2 MR. SIMPSON: Object to the form of the
3 question.

4 THE WITNESS: I don't -- I -- it could.

5 BY MS. MEYER:

6 Q Okay. Now, who -- who is Sasha Houche?

7 A He was a presenter with the company

8 for -- on the red unit.

9 Q When did he work on the red unit?

10 A Yeah, I don't know. I mean I know his

11 last year was the end of the 135th, which would

12 have been last November he would have been

13 finished.

14 Q November of two thousand --

15 A Of 2006.

16 Q 2006?

17 A Yes.

18 Q So he left the company in --

19 A He's been --

20 Q -- November --

21 A -- gone for a year. Sorry.

22 Q Let me just ask the question so the

1 reporter can get it down.

2 So he left the company in about November
3 of 2006; is that correct?

4 A Yes.

5 Q All right. And you said he was a
6 presenter of elephants?

7 A Yes.

8 Q For the red unit, correct?

9 A Also horses.

10 Q All right. Did Sasha Houche ever
11 mistreat an elephant when he worked for Feld
12 Entertainment?

13 A Not to my knowledge.

14 Q Did you ever know him to strike an
15 elephant with a bull hook?

16 A No.

17 Q Did you ever know him to hit an elephant
18 with a bull hook?

19 A No.

20 Q Did you ever obtain any information that
21 he ever struck an elephant with a bull hook in the
22 elephant's eye?

1 that incident, would that be grounds for firing
2 him?

3 A Possibly.

4 Q But he wasn't fired?

5 A He was not fired.

6 Q Okay. And was he subsequently fired for
7 any reason?

8 A No.

9 Q Was a decision ever made by the company
10 not to renew Sasha Houche's contact?

11 A Yes.

12 Q Why?

13 A We do it all the time. I mean, it's
14 not -- it's not uncommon for us to not renew a
15 contract.

16 Q Why was the decision made not to renew
17 his contract?

18 A Time for a change. He'd been there for
19 a number of years. The numbers start to look
20 pretty much the same, you know, same people doing
21 it.

22 Q What does that mean, the numbers

1 start --

2 A The manage, the --

3 Q Sorry. Let me just finish the question.
4 What does that mean?

5 A The manage, the number in the show,
6 production number --

7 Q Uh-huh.

8 A -- the horse numbers. When you have the
9 same people doing the training year after year,
10 the acts get tired. They look the same. So
11 it's -- it's actually smart to shake it up and
12 bring in new people, get a fresh look.

13 Q So it was the company's decision not to
14 renew Sasha Houche's contract --

15 A Yes.

16 Q -- is that correct?

17 Okay. And who informed Mr. Houche of
18 the company's decision?

19 A I don't know.

20 Q Would it have been you?

21 A I don't think so.

22 Q Could it have been you?

1 A Might have, but I don't believe it was.

2 Talent and production, Tim Holst.

3 Q At the time Mr. Houche was informed that
4 his contract would not be renewed, how long had he
5 worked for Feld Entertainment?

6 A I'm not -- I'm not sure. At least two
7 tours that I'm aware of.

8 Q Do you know what Sasha Houche is doing
9 now?

10 A No, I do not.

11 Q Do you know where he is?

12 A In Europe. I do not -- I do not know.

13 Q All right.

14 MS. MEYER: This is another one.

15 (Andacht Deposition Exhibit

16 No. 8 was marked for

17 identification.)

18 BY MS. MEYER:

19 Q Mr. Andacht, you've been handed a
20 document that's been marked Exhibit 8. For the
21 record, it has a Bates-label of FEI 29446. And it
22 was produced by the Defendant in this case. I'd

1 ask you to take a look at that.

2 A (Witness examined document).

3 Q Did you have a chance to look at it?

4 A Yes.

5 Q All right. And you've identified
6 Allison Case as one of the veterinarians for Feld
7 Entertainment; is that correct?

8 A Yes, during that -- during that time.

9 Q Okay. When did Allison Case leave Feld
10 Entertainment?

11 A She left in November, but I don't
12 remember what year, if it was 2004. She left
13 before winter quarters, or right after our winter
14 quarters.

15 Q But you don't remember what --

16 A No --

17 Q -- year?

18 A -- I don't.

19 Q Okay. Do you know where Ms. Case is
20 now, or Dr. Case?

21 A No.

22 Q Do you know where she's from?

1 concerns about the treatment of the animals at the
2 circus with you directly?

3 A Seeing it on this e-mail right here.

4 Q Other than this e-mail?

5 A I don't remember.

6 Q You don't remember having any
7 conversations with her about concerns about the
8 treatment of the animals?

9 A No.

10 Q All right. Do you remember receiving
11 this e-mail?

12 A No.

13 Q All right. This is an e-mail from
14 Dr. Case to you and Mark Gaipo; is that correct?

15 A Yes.

16 Q And it's copied to Dr. Lindsay, correct?

17 A Yes.

18 Q And it's dated July 26th, 2004.

19 And the last paragraph of the e-mail,
20 before the part that was redacted, states quote,
21 It has also been brought to my attention by more
22 than one person that the elephants are not

1 receiving enough water -- and then she has an
2 internal quote -- So as to minimize the amount
3 they urinate -- end of internal quote.

4 Do you see that?

5 A Yes.

6 Q And then a couple lines down she has,
7 Perhaps this is worth investigating.

8 Do you see that?

9 A Yes.

10 Q All right. Do you know what, if any,
11 action was taken in response to Dr. Case's e-mail
12 to you about the fact that it had been brought to
13 her attention by more than one person that the
14 elephants were not receiving enough water so as to
15 minimize the amount they urinate?

16 A No, I don't know what action was taken.

17 Q Okay. Do you remember taking any action
18 at all in response to this e-mail?

19 A No, I do not.

20 Q Do you remember whether any
21 investigation of this matter was conducted by the
22 company?

1 Q Okay. So you don't know whether or not
2 any disciplinary action was taken at all with
3 respect to Dr. Case's concerns expressed in this
4 e-mail; is that correct?

5 A Not that I recall.

6 Q All right.

7 MS. MEYER: This is another one.
8 (Andacht Deposition Exhibit
9 No. 9 was marked for
10 identification.)

11 BY MS. MEYER:

12 Q Okay. You've been given a document
13 that's been marked as Exhibit 9. And for the
14 record, it is a document produced by Defendant,
15 with the Bates-label FEI 15025 through 15027. And
16 I'd like you to take a minute to look at that,
17 please.

18 A (Witness examined document).

19 Q Have you had a chance to look at it?

20 A Yes.

21 Q Have you read it?

22 A Yes.

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.

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?

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

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?

1 A -- yeah. She was the vet tech to me.

2 Q Okay.

3 A So I mean maybe -- she was on board
4 before I got there.

5 Q Right.

6 A I don't know if there was something else
7 that was arranged, or whatever her title was, or
8 maybe she had business cards with it. I have no
9 idea. I was always introduced to her as the
10 veterinary technician, the vet tech, for the blue
11 unit.

12 Q All right. Would you expect a vet tech
13 to report an incident of an elephant being used in
14 the circus who was hooked in a way that made the
15 elephant bleed?

16 A I would expect anyone to, yes.

17 Q Okay. And so would you expect a vet
18 tech to report that to the general manager?

19 A Possibly the general manager, possibly
20 the, you know, animal superintendent, possibly the
21 elephant department head.

22 Q Okay. Would you expect to be informed

1 of such an incident?

2 A Not necessarily.

3 Q Why not?

4 A Because if it was handled on the unit,
5 then it was handled on the unit.

6 Q All right. What if the result of it
7 being handled on the unit was that in fact a
8 determination was made that a handler had hooked
9 an elephant in a way that made the elephant bleed?

10 Is that something you would want to be informed
11 about?

12 A If it was determined and investigated
13 and found out to be true, yes.

14 Q You would expect to be informed?

15 A Yes.

16 Q Okay. Were you ever informed about this
17 incident?

18 A No, I was not.

19 Q Okay. Mr. Stuart never told you about
20 this incident?

21 A Not to my recollection, no.

22 Q Okay. Did you ever have any discussions

1 with anyone about the incident that's described by

2 Ms. Fahrenbruck in this document?

3 A No. Not that I'm aware of.

4 Q Okay. And as far as you know, was any

5 investigation conducted of the incident that's

6 described by Ms. Fahrenbruck?

7 A I don't know.

8 Q All right. If in fact there had been an

9 investigation and it had been determined that

10 Isham or any other handler had hooked an elephant

11 in the way described by Ms. Fahrenbruck, would you

12 expect that individual to have a writeup?

13 MR. SIMPSON: Object to the form of the

14 question.

15 THE WITNESS: It -- it might. It might

16 not have one.

17 BY MS. MEYER:

18 Q Why --

19 A I've answered that question before.

20 Q Why wouldn't it have a writeup in --

21 A I -- I don't -- it would depend. It

22 would -- like I said before, it wouldn't make any

1 difference wherever we would be within the company
2 as far as departments. You might get a writeup,
3 you might not, depending on the severity of it,
4 depending on the situation, depending on the --
5 depending on the situation.

6 Q Would you regard the incident that's
7 described by Ms. Fahrenbruck to be a severe
8 incident?

9 A I don't -- I mean, I'm reading an
10 e-mail. I don't know if it happened or didn't
11 happen or if -- I don't know.

12 Q Okay. Assume that it happened, for
13 purposes of answering my question.

14 Would you regard this kind of incident
15 that she's describing to be a severe incident?

16 A Yes.

17 Q Okay. So this is the kind of incident
18 that if it had in fact happened, you would expect
19 to see a writeup in --

20 A I'm not saying --

21 Q -- in someone's --

22 A -- there would be a writeup.

1 Q I'm sorry.

2 You would expect to see a writeup in
3 someone's file?

4 A I'm not certain there would be a
5 writeup. Again, like I said, I don't know the --
6 the situation. I don't know what -- what
7 happened. So I can't guarantee that a writeup
8 would happen in someone's file because of it.

9 Q All right. Going to page FEI 15027.
10 Third line down from the top

11 Ms. Fahrenbruck says, quote, I asked Mike which
12 elephant was bleeding and was told Lutzi. I told
13 him I was not surprised as I had seen Isham hook
14 her in the show fairly severely. Mike said he
15 thought it might have been Suny during the act.
16 Either way, we had an elephant dripping blood all
17 over the arena floor during the show from being
18 hooked, end quote.

19 Do you see that?

20 A Yes.

21 Q Is Suny that she's referring to Suny
22 Ridley?

1 A Yes.

2 Q And --

3 A I -- I assume so.

4 Q And is Mike, Mike Hayward?

5 A I assume so.

6 Q Okay. So, again, if in fact an

7 investigation were conducted and the result of

8 that investigation was that in fact someone had

9 hooked Lutzi in a way described here by

10 Ms. Fahrenbruck, are you saying there may not be a

11 writeup about the person who was responsible for

12 hooking Lutzi?

13 A Yes. That's what I'm saying.

14 Q Why wouldn't there be a writeup?

15 A Well, number one, I don't -- I don't

16 know what went on. It doesn't appear that -- that

17 anyone seems to know whether it was Isham or Suny.

18 What if the elephant -- I mean, what if -- what if

19 the elephant ran into the hook? I don't know.

20 I -- I don't know. And so I cannot possibly tell

21 you whether this would end up being a writeup or

22 not.

1 Q Okay. I understand that. What I was
2 trying to say to you, and maybe I wasn't clear, is
3 assuming for purposes of my question that there
4 had been an investigation, and the result of the
5 investigation was that Isham had hooked Lutzi in
6 the way described by Ms. Fahrenbruck, in that
7 instance would you expect there to be a written
8 writeup in Isham's file?

9 MR. SIMPSON: Object to the form.

10 THE WITNESS: I -- I I've answered the
11 question. I don't -- I don't -- I don't know if
12 something would end up in a file or not.

13 BY MS. MEYER:

14 Q Okay.

15 A I'm not there. I can't -- I can't
16 figure -- I couldn't tell you that. I don't know.

17 Q So it's possible that if there had been
18 an investigation, and if Isham had been found to
19 have looked Lutzi in that manner, there may not be
20 a written writeup about it; is --

21 A That is --

22 Q -- that correct?

1 A That is correct.

2 Q Okay. And if there weren't a written
3 writeup about it, would that be consistent with
4 the circus' policy?

5 MR. SIMPSON: Object to the form.

6 THE WITNESS: Repeat the question.

7 BY MS. MEYER:

8 Q If there had -- if, in fact, there was
9 an investigation, and the result of the
10 investigation was that Isham had hooked Lutzi in
11 the way described by Ms. Fahrenbruck, and there
12 was no written writeup about it, would that be
13 consistent with company policy?

14 A Not -- not necessarily, no.

15 Q So there should have been a -- there
16 should be a writeup in --

17 A Could be --

18 Q -- that situation?

19 A -- one --

20 MR. SIMPSON: Object to the form.

21 THE WITNESS: -- might not be one. I
22 mean, I'm not -- I'm not there. I'm not

1 BY MS. MEYER:

2 Q Suny Ridley still works for the blue
3 unit as a handler of elephants; is that correct?

4 A Yes.

5 Q And Isham also still works for the blue
6 unit as a handler of elephants; is that correct?

7 A Yes.

8 Q And Troy Metzler works for a handler for
9 blue elephants right now, too; isn't that correct?

10 A No, that's actually not correct.

11 Q All right.

12 A It's sort of correct.

13 Q All right. Tell me.

14 A Troy is on the unit, once again, with
15 two of our juvenile elephants, younger elephants.

16 Q Which elephants?

17 A I'm not sure. I -- I think it's Rudi
18 and Asha.

19 Q All right.

20 A And he's brought -- he's brought --
21 sorry. He's brought them out from the CEC to help
22 bring them along and get them acclimated to the

1 A No.

2 Q And as far as you know, no disciplinary
3 action was taken with respect to any of the
4 incidents described in Exhibit 9; is that correct?

5 A I do not know.

6 Q All right. Let me show you another one.
7 (Andacht Deposition Exhibit
8 No. 10 was marked for
9 identification.)

10 BY MS. MEYER:

11 Q You've been handed a document that's
12 been marked as Exhibit 10. And it is a document
13 that was produced by the Defendant, with the
14 Bates-label FEI 15024.

15 A (Witness examined document).

16 Q Have you had a chance to review --

17 A Yes.

18 Q -- that document?

19 Has anyone ever discussed the incidents
20 that are described in this document with you
21 before?

22 A I don't think so. I don't remember.

1 Q Okay. For the record, this is an e-mail
2 from Deborah Fahrenbruck to Mike Stewart, dated
3 January 8th, 2005, correct?

4 A Yes.

5 Q And at that point in time, Deborah
6 Fahrenbruck was still being identified as the
7 animal behaviorist for Feld Entertainment; is that
8 correct?

9 A I -- January 8th, 2005, I believe she
10 still was the veterinary technician, as far as I'm
11 concerned.

12 Q All right. And Mike Stewart, at that
13 point in time, was still the general manager for
14 the blue unit; is that correct?

15 A Yes.

16 Q All right. And in this e-mail, the
17 first part of it that says, Walkin Phoenix,
18 Ms. Fahrenbruck is informing Mr. Stuart that,
19 quote, Troy was observed hitting Angelica three to
20 five times in the stock before unloading her and
21 then using a hand electric prod within public view
22 after unloading, end quote.

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

1 observed hitting Angelica three to five times in
2 the stocks, what does the term "in the stocks"
3 mean?

4 A "In the stocks" would mean in the train
5 cars.

6 Q All right. Were you ever informed of
7 this incident by anyone?

8 A Not that I'm aware of.

9 Q Okay. Mike Stewart never told you about
10 this incident?

11 A No.

12 Q Deborah Fahrenbruck never told you about
13 this incident?

14 A Not that I remember.

15 Q Okay. Were you ever told by Mike
16 Stewart that Troy Metzler was observed using a
17 hand electric prod on an elephant?

18 A Not -- not that I remember.

19 Q Do you know what a hand electric prod
20 is?

21 A I -- I have never -- I don't think I've
22 ever seen one. I kind of relate it to my own

1 to refer back to what -- what it's been used for,

2 I guess, I mean. I don't know. I don't know.

3 Q Okay. As far as you know, was Troy
4 Metzler ever disciplined for hitting Angelica
5 three to five times in the stocks?

6 A I don't know.

7 Q Was any disciplinary action taken with
8 respect to Mr. Metzler in regards to this
9 incident?

10 A I don't know.

11 Q Was Mr. Metzler ever disciplined for
12 using a hand electric prod within public view
13 after unloading?

14 A I don't -- I don't know.

15 Q Isn't that the kind of thing that you
16 would expect there to be a written writeup on?

17 A Again, I wasn't there. I have no idea
18 what -- whether any of this is even at the end of
19 the day was investigated and found to be true.

20 Q Okay. You don't know of any
21 investigation of this matter?

22 A No, I do not.

1 Q And if it was true, after an
2 investigation, that Troy had hit Angelica three to
3 five times in the stocks before unloading her, is
4 that the kind of thing that should result in a
5 written writeup?

6 A Again, I wasn't there, I don't know.

7 Q So maybe not?

8 A Maybe not.

9 Q Okay. And if it was investigated to
10 determine that Troy was using a hand electric prod
11 within public view after unloading, is that the
12 kind of thing you would expect to see a written
13 writeup on?

14 A Again, I don't know. I wasn't there, so
15 I can't make a determination.

16 Q So might not?

17 A Might not.

18 Q Okay. And the next paragraph, which
19 starts with the title, California tore, it states
20 in the e-mail that, quote, Troy carried an
21 electric prod in his back pocket throughout most
22 of the California tour during walk-ins.

1 And the next sentence says, The use of
2 an electric prod in California is strictly
3 forbidden by state law.

4 Do you see that?

5 A Yes.

6 Q Okay. Do you know whether there was any
7 investigation of that matter?

8 A I have no idea.

9 Q Do you know whether or not any
10 disciplinary action was taken with respect to
11 Mr. Troy Metzler with respect to that incident?

12 A I do not.

13 Q If in fact an employee were using an
14 electric prod in violation of state law, is that
15 something that would be the subject of a written
16 writeup?

17 MR. SIMPSON: Object to the form of the
18 question.

19 THE WITNESS: It could be or could not
20 be. I don't -- I -- I don't know. I wasn't
21 there.

22 BY MS. MEYER:

1 BY MS. MEYER:

2 Q Okay. So the results of an
3 investigation of an allegation of this kind of
4 mistreatment may or may not be put in writing?

5 A Correct.

6 Q And that would be true if Mr. Metzler
7 were accused of using an electric prod and he were
8 exonerated of that accusation --

9 A Exonerated --

10 Q -- correct?

11 A -- meaning?

12 Q There was -- turned out there was
13 nothing to that allegation; it was a false
14 allegation, would there --

15 A What's the question?

16 Q -- would there be a written record that
17 it had been a false allegation?

18 A Not necessarily.

19 Q Okay. And if it turned out that it were
20 true that he were -- he was using an electric prod
21 on elephants, there might not be a written record
22 of that either?

1 A That is correct.

2 Q Okay. All right.

3 Are you familiar with the state
4 requirements for certificates of veterinary
5 inspection?

6 A Not really, no.

7 Q Do you know what I'm talking about?

8 A State requirements for veterinary
9 inspection?

10 Q Certificates.

11 A No.

12 Q Okay. Are you -- are you familiar that
13 some states require the circus to verify certain
14 information about the health status of the animals
15 before they're allowed to be transported into the
16 state?

17 A Yes.

18 Q Okay. Do you know how that's done?

19 A No.

20 Q Do you know who's responsible for those
21 verifications?

22 A No, I don't really.