

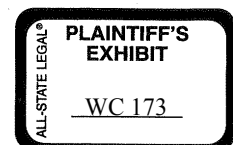
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

-----x  
:
  
AMERICAN SOCIETY FOR THE :
  
PREVENTION OF CRUELTY TO :
  
ANIMALS, et al. :
  
:
  
Plaintiffs :
  
: Case No.
  
vs. : 03-2006(EGS/JMF)
  
:
  
FELD ENTERTAINMENT, INC. :
  
:
  
Defendant :
  
:
  
-----x

Washington, D.C.  
November 6, 2008

Videotaped Deposition of:

BRIAN FRENCH,  
called for oral examination by counsel for  
Plaintiffs, pursuant to notice, at the offices  
of Meyer Glitzenstein & Crystal,  
1601 Connecticut Avenue, N.W., Suite 700,  
Washington, D.C., before Zev V. Feder, CSR, a  
Notary Public in and for the District of  
Columbia, beginning at 10:05 a.m., when were  
present on behalf of the respective parties:



1  
2 On behalf of the Plaintiffs:

3 BY: KATHERINE ANNE MEYER, ESQ.  
3 Meyer Glitzenstein & Crystal  
4 1601 Connecticut Avenue, N.W.  
4 Suite 700  
5 Washington, D.C. 20009  
5 (202)588-5206  
6

6 On behalf of Defendant Feld Entertainment,  
7 Inc.:

8 BY: LISA ZEILER JOINER, ESQ.  
8 BY: MICHELLE C. PARDO, ESQ.  
9 Fulbright & Jaworski, LLP,  
9 801 Pennsylvania Avenue, N.W.  
10 Washington, D.C. 20004  
10 (202)662-0200  
11

11 and  
12

12 BY: JULIE ALEXA STRAUSS, ESQ.  
13 Feld Entertainment, Inc.  
13 8607 Westwood Center Drive  
14 Vienna, Virginia 22182  
14 (703)448-4065  
15

16 Also Present:

17 David Voigtsberger, Videographer  
17 Michelle Sinnott  
18

18 + + +  
19  
20  
21  
22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

C O N T E N T S

WITNESS: BRIAN FRENCH

EXAMINATION BY:	PAGE
MS. MEYER	5, 210
MS. JOINER	197

EXHIBITS (Attached)

DEPOSITION NO.	MARKED FOR IDENTIFICATION
1. Resume	11
2. DVD	181

1 name. Dani? I don't know her last name.

2 Q. Danielle Graham?

3 A. Yes.

4 Q. How about the vet techs? Who were  
5 the vet techs --

6 A. Stephanie is on the Blue Unit. I  
7 don't know her last name.

8 Q. So as I understand it, you have  
9 worked at all three of the traveling units for  
10 Ringling Brothers at one point in time. The  
11 Red Unit, the Blue Unit and the Gold Unit. Is  
12 that correct?

13 A. Yes.

14 Q. You have also done some work at  
15 the CEC. Is that correct?

16 A. Officially, yes.

17 Q. And you have also worked at  
18 Williston. Is that correct?

19 A. Yes.

20 Q. Do you know if any of the  
21 individuals who are on the elephant crew right  
22 now left the Blue Unit at any point in time?

1                   When was the first show in  
2                   Rosemont?

3                   A.        I believe it is tonight.

4                   Q.        Today is November 6th.

5                   Were you involved with the  
6                   unloading of the elephants in Rosemont on  
7                   November 3rd?

8                   A.        We unloaded the elephants on  
9                   November 4th, Tuesday.

10                  Q.        What time did that train get to  
11                  Rosemont on November 3rd?

12                  A.        I am not sure.

13                  Q.        Were you there when it arrived?

14                  A.        I was in the town, yes.

15                  Q.        You were in the town of Rosemont?

16                  A.        Yes.

17                  Q.        So you don't know when the train  
18                  arrived?

19                  A.        Not exactly, no.

20                  Q.        Do you know approximately when it  
21                  arrived?

22                  A.        Sometime during the night.

1 Q. When you say during the night,  
2 would that be before midnight?

3 A. I don't know.

4 Q. When were the elephants unloaded?

5 A. 10:00 o'clock a.m. on Tuesday,  
6 November 4th.

7 Q. Why weren't they unloaded the  
8 night before?

9 A. We were setting up the compound.

10 Q. Was that unusual for the elephants  
11 to stay on the train overnight?

12 A. No.

13 Q. Is that a normal procedure?

14 A. Yes.

15 Q. So they stay on the train while  
16 the crew is setting up the compound? Is that  
17 correct?

18 A. However long it takes us for us to  
19 set up for the transport from town to town.

20 Q. Were you present when the  
21 elephants came off the train on November 4th?

22 A. Yes.

1 Q. And the 7:30 show would have ended  
2 around 9:30 or 10:00?

3 A. Yes.

4 Q. When there is a one-show day on  
5 the Blue Unit, is it always at night?

6 A. Not always.

7 Q. What other times of the day would  
8 the one-show day be?

9 A. Sometimes on holidays it is a  
10 3:30 show or a 1:00 o'clock show. Depends.

11 Q. And when it is a 1:00 o'clock  
12 show, what time would it be over?

13 A. Between 3:00 and 3:30.

14 Q. And when it a 3:00 o'clock show,  
15 what time would it be over?

16 A. 5:00 and 5:30.

17 Q. I am sorry?

18 A. Between 5:00 and 5:30.

19 Q. Since you have been back on the  
20 Blue Unit, starting in May, 2008, have you --  
21 have there been any days when there was a  
22 one-show day, when the show was at 1:00

1 o'clock to 3:00 o'clock?

2 A. Yes. I don't recall which town.

3 Q. When the show goes to -- when the  
4 unit goes to Chicago -- that's the next place  
5 it is going, right?

6 A. Yes.

7 Q. Do you know how long it is going  
8 to be in Chicago?

9 A. Two weeks.

10 Q. Do you know what the dates are for  
11 the engagement?

12 A. Not exactly.

13 Q. Approximately?

14 A. I'd have to look at a calendar.

15 Q. I actually looked at an itinerary,  
16 one that was up a while ago. It said  
17 November 18th to November 30th. Does that  
18 sound about right?

19 A. That sounds about right.

20 Q. Where in Chicago is the circus  
21 going to perform?

22 A. I am not sure the name of the



1 back?

2 MS. MEYER: Yes, I want to see the  
3 individual in the orange jump suit.

4 BY MS. MEYER:

5 Q. Do you have any idea who that  
6 individual is?

7 A. No.

8 MS. MEYER: Keep going.

9 (Pause).

10 Can you stop it again?

11 MS. SINNOTT: Uh-huh.

12 BY MS. MEYER:

13 Q. Is what we are seeing here an  
14 example of the free contact management style?

15 A. Yes.

16 MS. MEYER: You can keep going.

17 (Pause).

18 BY MS. MEYER:

19 Q. Do you know who that is in that  
20 orange?

21 A. No.

22 Q. -- outfit?

1 A. Once.

2 Q. When was that?

3 A. I don't recall the time. 1997  
4 sometime.

5 Q. Do you remember where you were?

6 A. No.

7 Q. And when I asked you earlier if  
8 what we were watching on this tape was an  
9 example of free contact, you said yes. Is  
10 that correct?

11 A. Yes.

12 Q. Just to be clear, when I say what  
13 we are watching, I am talking about the entire  
14 tape that we have been watching since we put  
15 it on here at the deposition. And my question  
16 is is what we are watching during this entire  
17 tape that we have been watching an example of  
18 free contact.

19 MS. JOINER: Objection to form.

20 THE WITNESS: Since you stopped  
21 fast forwarding it, yes. I didn't watch  
22 everything you fast forwarded through.

1 BY MS. MEYER:

2 Q. Fine. Everything that you were  
3 able to watch on regular speed.

4 A. Yes.

5 Q. Was an example of free contact  
6 management. Is that correct?

7 A. An example, yes.

8 MS. MEYER: Can you go to 10109?

9 MS. SINNOTT: Yes.

10 MS. MEYER: Actually, just go to

11 1.

12 (Pause).

13 Can you stop it?

14 BY MS. MEYER:

15 Q. Do you recognize that individual?

16 A. Can you move it until he turns  
17 around?

18 Q. Sure. Or we can start it back. I  
19 think he was facing this way before.

20 (Pause).

21 Do you know who that is?

22 A. It is very blurry. I would have

1 to guess.

2 Q. Who is your guess?

3 A. Gunther.

4 MS. MEYER: Go ahead.

5 (Pause).

6 Can you stop it, Michelle?

7 BY MS. MEYER:

8 Q. Is it your best guess that that is  
9 also Gunther Gebel Williams?

10 A. Yes.

11 Q. In the clip we just saw?

12 A. Yes.

13 MS. MEYER: What is the time stamp  
14 range of the clip we just saw?

15 MS. SINNOTT: One hour, one minute  
16 and 55 seconds is where we are currently at.

17 MS. MEYER: Where did we start the  
18 clip from?

19 MS. SINNOTT: One minute -- one  
20 hour, one minute and nine seconds.

21 MS. JOINER: Note, on your VCR  
22 counter.

1 MS. SINNOTT: Correct.

2 BY MS. MEYER:

3 Q. What is your basis for saying your  
4 best guess is that's Gunther Gebel Williams?

5 A. His body style, height and color  
6 of his hair.

7 Q. He looks like him, right?

8 A. Yes.

9 MS. MEYER: Okay. You can just  
10 play it to the end.

11 Thank you.

12 BY MS. MEYER:

13 Q. The clip we were just watching  
14 that started at one hour, one minute, nine  
15 seconds, is that also an example of free  
16 contact management?

17 A. Yes.

18 MS. MEYER: I don't think I have  
19 any more questions. I just want to look at my  
20 notes. We will just take a five minute break  
21 and we will do that.

22 MS. JOINER: Sure.