

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., :

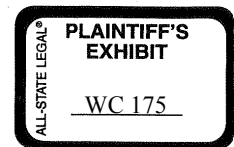
Defendants. :

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Washington, D.C.

Wednesday, October 24, 2006

Videotaped deposition of GARY JACOBSON, called for examination by counsel for the Plaintiffs in the above-entitled matter, pursuant to notice, the witness being duly sworn by CARLA L. ANDREWS, 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 10:11 a.m., Wednesday, October 24, 2007, and the proceedings being taken down by Stenotype by CARLA L. ANDREWS and transcribed under her direction.



1 APPEARANCES:

2 On behalf of the Plaintiffs:

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19 ALSO PRESENT:

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

WITNESS EXAMINATION BY COUNSEL FOR
GARY JACOBSON PLAINTIFFS

By Ms. Meyer 5

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

NO.	IDENT.
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1 P-R-O-C-E-E-D-I-N-G-S

2 THE VIDEOGRAPHER: In the United States
3 District Court for the District of Columbia in the
4 matter of American Society for the Prevention of
5 Cruelty to Animals et al., versus Ringling Brothers and
6 Barnum and Bailey Circus et al., Case No. 03-2006
7 EGS/JMF.

8 This is the deposition of Gary Jacobson.
9 Today's date is October 24, 2007. The location of the
10 deposition is Meyer, Glizenstein & Crystal, 1601
11 Connecticut Avenue, Northwest, Washington, D.C.

12 Will counsel please identify yourselves and
13 state whom you represent?

14 MS. MEYER: Yes. I'm Katherine Meyer, and I
15 represent the plaintiffs.

16 MS. OCKENE: Kimberly Ockene, also
17 representing the plaintiffs.

18 MS. JOINER: Lisa ZEILER JOINER, Fulbright &
19 Jaworski, on behalf of the defendant and witness Mr.
20 Jacobson.

21 MS. PARDO: Michelle Pardo, Fulbright &
22 Jaworski, on behalf of Feld Entertainment and the

1 Q. In where?

2 A. Ocala, Florida.

3 Q. Okay. So was the plan, as I understand it,
4 to get some African elephants from Mr. Jones and
5 exchange those elephants for Joyce?

6 A. I told you I cannot remember for sure if we
7 were talking about some that were coming in because
8 several people were importing at that time, or if we
9 were going to acquire some from Arthur Jones.

10 Q. Okay. And, Mr. Jacobson, where do you work?

11 A. The CEC.

12 Q. And the CEC is the Center for Elephant
13 Conservation?

14 A. Yes.

15 Q. And that's owned by Feld Entertainment?

16 A. Yes.

17 Q. And what are your duties there?

18 A. I'm the general manager.

19 Q. Do you have any other titles besides general
20 manager?

21 A. Not really.

22 Q. I think I saw on a document somewhere that

1 you're also the director of training; is that correct?

2 A. Yeah. That was an old card.

3 Q. Excuse me?

4 A. That was on old business card.

5 Q. But that's not a title that you currently use
6 -- director of training?

7 A. Not anywhere.

8 Q. Okay. Just the general manager?

9 A. Right.

10 Q. And how long have you been the general
11 manager?

12 A. I think it was January 2007 or February.

13 Q. January 2007 is when you --

14 A. I mean 2001 -- 2000. I'm sorry. Seven
15 years.

16 Q. January 2000 is when you became the general
17 manager of the CEC?

18 A. Uh-huh.

19 Q. And did you work at the CEC before you became
20 the general manager?

21 A. Yes.

22 Q. When did you start at the CEC?

1 A. June 26th.

2 Q. What year?

3 A. 1995.

4 Q. And when you started at the CEC, what was
5 your title?

6 A. Director of training.

7 Q. And who was the general manager at the CEC
8 when you started at the CEC in 1995?

9 A. James Williams.

10 Q. And he's still there, right?

11 A. Yes.

12 Q. And what is his title now?

13 A. It's very long. I don't think I've seen it
14 on paper in a long time.

15 Q. Okay. Is he above you in the hierarchy at
16 the CEC?

17 A. No.

18 Q. He's not. Are you above him in the hierarchy
19 at the CEC?

20 A. Yes.

21 Q. Can you describe your duties for me as the
22 general manager of the CEC?

1 A. I oversee the current management of the
2 elephants.

3 Q. Anything else?

4 A. That pretty well describes it all.

5 Q. Okay. Do you supervise other employees of
6 the CEC?

7 A. Yes.

8 Q. Who do you supervise?

9 A. All of them.

10 Q. Okay. Can you tell me the names of the
11 individuals and what they do? How many employees are
12 there at the CEC?

13 A. I believe at the present time there are 14
14 counting myself.

15 Q. Could you name the employees and tell me what
16 each employee's basic responsibilities are?

17 A. Sure. Jim Williams.

18 Q. Okay. And his responsibilities?

19 A. He is sort of my right-hand man.

20 Q. All right.

21 A. And then there would be Pat Harned.

22 Q. Pat Harned?

1 A. Harned, right.

2 Q. H-a-r-n-e-d?

3 A. I believe that's correct, yes.

4 Q. What are his duties?

5 A. He is the operations manager.

6 Q. What does that mean?

7 A. He helps me handle the day-to-day operations.

8 Q. Okay. Who else?

9 A. Then it would be Kathy Jacobson.

10 Q. She's your wife?

11 A. Yes.

12 Q. What is she -- what are her responsibilities?

13 A. She takes care of mainly some of the young
14 elephants.

15 Q. She takes care of some of the young
16 elephants?

17 A. Yes.

18 Q. And it's Kathy with a K, right?

19 A. (Nodding.)

20 Q. Okay. Who else?

21 A. Trudy Williams.

22 Q. Is she related to Jim Williams?

1 Q. And what is his job?

2 A. He is also an elephant handler.

3 Q. And when did he start to work at the CEC?

4 A. I think it was '98, I believe. I'm not quite
5 sure.

6 Q. Did he precede Shawn Quinn or?

7 A. They came at about the same time.

8 Q. Okay. Had they known each other before they
9 started working at the CEC?

10 A. I don't think so.

11 Q. And does Mr. Garcia have responsibility for
12 any of the young elephants?

13 A. No.

14 Q. And when I say "young elephants" and you're
15 answering my questions about young elephants, which
16 elephants are we talking about?

17 MS. ZEILER JOINER: Objection to form.

18 BY MS. MEYER:

19 Q. When you are referring to the young
20 elephants, which elephants are you referring to?

21 A. The ones that would be like 10 or less.

22 Q. Okay. Let me read off some names, and you

1 tell me if these are -- you consider these to be young

2 elephants, okay?

3 A. Okay.

4 Q. Mable?

5 A. Yes.

6 Q. Bertha. I'm sorry. Bertha is deceased.

7 Irvin?

8 A. Yes.

9 Q. Arie?

10 A. Yes.

11 Q. PT?

12 A. Yes.

13 Q. Asha?

14 A. Yes.

15 Q. Rudy?

16 A. Yes.

17 Q. Gunther?

18 A. Yes.

19 Q. Sarah?

20 A. Sarah? Yes.

21 Q. Osgood?

22 A. Yes.

1 Q. Angelica?

2 A. Yes.

3 Q. Doc?

4 A. Yes.

5 Q. Kelly Anne?

6 A. Yes.

7 Q. Shirley?

8 A. Yes.

9 Q. Bonnie?

10 A. Yes.

11 Q. Romeo?

12 A. Yes.

13 Q. Juliet?

14 A. Yes.

15 Q. Are there any others that I haven't named
16 that you consider to be young elephants?

17 A. You read those pretty fast. I think that was
18 all of them, wasn't it? I think that was all of them.

19 Q. You probably know them better than I do.
20 That's my list. That's my list of the elephants that
21 were born at the CEC.

22 A. Yes.

1 Q. But it is a casino?

2 A. Sort of, yeah.

3 Q. What elephant were you acquiring?

4 A. An elephant named Petely.

5 Q. Is that different than the Pete you mentioned
6 before?

7 A. No, the same one.

8 Q. And where did you acquire Pete from?

9 A. Rex Williams.

10 Q. Who is Rex Williams?

11 A. He is deceased.

12 Q. Who was Rex Williams?

13 A. A good friend of mine. He was the elephant
14 trainer on Circus Vargus.

15 Q. Did you train under him at all?

16 A. No.

17 Q. And it seems from your testimony so far that
18 your specialty is training young elephants; is that
19 correct?

20 A. I guess so. I mean, yes. Okay, yes.

21 Q. And where did you learn how to train young
22 elephants?

1 A. William Woodcock.

2 Q. Is he also known as Buckles Woodcock?

3 A. Yes.

4 Q. And when did you work with Mr. Woodcock or
5 under him?

6 A. The first time was 1972.

7 Q. And was that the first time that you had any
8 training in handling elephants?

9 A. Yes.

10 Q. And how did you come to work for
11 Mr. Woodcock?

12 A. I was on Carson and Barnes Circus, and
13 Mr. Woodcock came there right after Labor Day as near
14 as I can recollect.

15 Q. What were you doing on Carson and Barnes
16 Circus?

17 A. Handling their elephants.

18 Q. Oh, you were handling their elephants?

19 A. Yes.

20 Q. What were your responsibilities?

21 A. To feed, water, clean up, general management,
22 care and management.

1 Q. And Mr. Woodcock was hired to come and train
2 them?

3 A. They were partially trained.

4 Q. Who were they partially trained by?

5 A. I do not have a clue.

6 Q. But Mr. Woodcock was hired to come in and
7 further train them?

8 A. Yes.

9 Q. And is that how you learned initially to
10 train young elephants under Mr. Woodcock when he was
11 training Bunny and Betty?

12 A. No. It was the start of it.

13 Q. That was the start of it, okay. And did you
14 receive your training from anyone else besides
15 Mr. Woodcock?

16 A. Robert Smokey Jones.

17 Q. Okay. And when did you train under Robert
18 Smokey Jones?

19 A. I didn't actually work for him. I just kind
20 of helped him.

21 Q. And when was that?

22 A. 1982.

1 Q. I am just trying to find out what methods you
2 would use to correct an elephant?

3 A. All that would probably depend on what they
4 have done.

5 Q. Would you ever use a bull hook to correct an
6 elephant?

7 A. I carry a bull hook.

8 Q. Would you ever use one to correct an
9 elephant?

10 A. Yes.

11 Q. How would you use it to correct an elephant?

12 A. It depends on what they are doing.

13 Q. What if they were not doing what you wanted
14 them to do?

15 A. Normally, you can just pull them to you, and
16 they will stop.

17 Q. Pull them how?

18 A. Like this.

19 Q. With your hand?

20 A. No.

21 Q. Pull them how?

22 A. With the hook.

1 Q. With the hook at the end of the bull hook?

2 A. Uh-huh.

3 Q. You would use the hook to grab the elephant
4 by its skin and pull it towards you?

5 A. Yes.

6 Q. And if that didn't work and the elephant
7 still was not doing what you wanted it to do?

8 A. That would work.

9 Q. That would always work. Have you ever had to
10 hit an elephant with a bull hook to correct it?

11 A. Yes.

12 Q. When is the last time you had to do that?

13 A. Probably six months ago.

14 Q. Which elephant was it? Which elephant?

15 A. Smokey.

16 Q. Smokey?

17 A. Uh-huh.

18 Q. You own Smokey; don't you?

19 A. Yes.

20 Q. How long have you owned Smokey?

21 A. Since '92 or '93.

22 Q. How did you come to own Smokey?

1 Q. And how much time do the elephants spend per

2 day grazing?

3 A. The ones that go outside, from about 7 to 3.

4 Q. And which ones go outside?

5 A. You want the names?

6 Q. Yes.

7 A. Okay. Ready?

8 Q. Yes.

9 A. Icky, Alana, Mala, Joskey, Sally, Louis.

10 Q. Lilly?

11 A. Louis.

12 Q. Louis.

13 A. Sid. And Toba, Litsy, Susan, Mysor, Zyna,

14 Jewel. And sometimes the young elephants when they are

15 with their mothers go out.

16 Q. How often is that?

17 A. Normally it is every day when we have cows
18 that have calves nursing with them.

19 Q. I am sorry?

20 A. It's Normally every day that we have cows
21 with calves out there. If the calves are with their
22 mothers, they go out there and feed with them.

1 Q. When you say if the calves are with their
2 mothers, you mean if they are nursing. Is that what
3 you mean?

4 A. Right.

5 Q. But if they are not nursing, they wouldn't be
6 outside with their mothers?

7 A. No.

8 Q. And you said before -- I think you said
9 before that the male elephants are never chained at the
10 CEC; is that correct?

11 A. The adult males.

12 Q. The adult males.

13 A. The ones that are not handled.

14 Q. I see. Are the younger males chained at all
15 during the day?

16 A. Yes.

17 Q. How long are they chained for?

18 A. They get turned outside about seven and come
19 in about three.

20 Q. And the rest of the time they are in chains?

21 A. Yes.

22 Q. And how are they chained?

1 A. Front and back.

2 Q. And are they kept in stalls when they are
3 chained?

4 A. Most of them, no.

5 Q. Where are they kept?

6 A. There's actually, none of the -- Doc is in
7 the big barn.

8 Q. Other than Doc, where are the other young
9 elephants who are chained kept when they are chained?

10 A. There is one on a cement slab under an
11 awning.

12 Q. Who is that?

13 A. I mean under a tent actually. PT.

14 Q. PT, okay.

15 A. Then there is another one, Gunther, under a
16 shade structure.

17 Q. Is that also a concrete structure?

18 A. Yes.

19 Q. Or a flooring?

20 A. Uh-huh.

21 Q. Okay.

22 A. And then the rest -- Smokey is tied in the

1 barn.

2 Q. Is that the same barn that Doc is in?

3 A. Yes.

4 Q. That's one that you referred to as the big

5 barn?

6 A. Right, the main barn.

7 Q. So is Smokey in chains?

8 A. Yes.

9 Q. And is it also just two legs?

10 A. Yes.

11 Q. Front and back?

12 A. Correct.

13 Q. And Doc, you said, is in the big barn?

14 A. Right.

15 Q. Anybody else? We are just talking about the

16 males now?

17 A. Right. Ervin is in the main barn, but he is

18 loose in a paddock or a pen.

19 Q. Is he with his mother?

20 A. No.

21 Q. Who is his mother?

22 A. Alana.

1 Q. All right. Who else? And is that -- in the

2 main barn, is there a concrete floor as well?

3 A. Yes.

4 Q. Who else?

5 A. And the other males are all loose.

6 Q. Loose?

7 A. In the yards or in the barn -- in the male
8 barns.

9 Q. These are the -- The other males you are
10 talking about now are the males that are not handled?

11 A. Right, that are not handled, correct.

12 Q. And Does Smokey get to go outside, too?

13 A. In the yards, yes.

14 Q. He does, because I don't think he was on your
15 list.

16 A. He doesn't go on the grass yards.

17 Q. Oh. Where does Smokey get to go?

18 A. In the other yards.

19 Q. They are not grass yards, though?

20 A. No.

21 Q. What kind of substrate?

22 A. Sand.

1 Q. Sand. Why is Smokey treated differently?

2 A. Than what?

3 Q. Than the other elephants who get to go out on
4 the grass?

5 A. None of the males go out on the grass.

6 Q. Oh, none of the males go out on the grass?

7 A. Except when they are young.

8 Q. And why is that?

9 A. Because they will probably tear the yard down
10 and go out of the yard.

11 Q. What about at nighttime? Are the male
12 elephants chained during the night?

13 A. Which males?

14 Q. The young elephants.

15 A. Yes.

16 Q. Yes. Okay. And what about the older
17 elephants?

18 A. The older males?

19 Q. Yes.

20 A. They are out in the yards loose.

21 Q. They sleep out there?

22 A. Yes.

1 Q. What about the female elephants, other than--
2 what about the young female elephants? Do they spend
3 time outside?

4 A. Yes.

5 Q. How much time do they spend outside?

6 A. Every day from about 7 to 3 or 3:30 or 4.

7 Q. And where are they when they are not outside?

8 A. They are under a tent.

9 Q. Are they together?

10 A. Yes.

11 Q. Are they chained?

12 A. Yes.

13 Q. They are under a tent?

14 A. Uh-huh.

15 Q. Is the tent--

16 A. The tent is under a metal building.

17 Q. Is the tent actually under a metal

18 building --

19 A. Yes.

20 Q. Or is the metal building what you are
21 referring to as the tent?

22 A. No. There is a tent under the metal roof.

1 Q. And how many female elephants spend time
2 under the tent?

3 A. Three.

4 Q. And who are they?

5 A. Angelica, Asha, and Ruby.

6 Q. And when they are chained, are they chained
7 on two legs?

8 A. Yes.

9 Q. Front and back?

10 A. Yes.

11 Q. And what about during the night? Are they
12 chained during the night?

13 A. Yes.

14 Q. If the same area?

15 A. Yes.

16 Q. So that -- And does that area also have a
17 concrete substrate?

18 A. Yes.

19 Q. And what about the adult males -- or sorry,
20 adult females. You mentioned that they spend some time
21 outside, I think you said, between 7 and 3 as well; is
22 that correct?

1 A. Roughly, right.

2 Q. And where are the adult females when they are
3 not outside?

4 A. They come into the main barn.

5 Q. And do they each have their own stall?

6 A. Some of them are in stalls.

7 Q. Okay. Which ones are in stalls?

8 A. Emma.

9 Q. Emma?

10 A. Is in a stall.

11 Q. I don't have her on the list. Does Emma get
12 to spend time outside?

13 A. Yes.

14 Q. From Seven to three?

15 A. No.

16 Q. How much time does she get to spend outside?

17 A. She is outside for about an hour in the
18 morning, hour and a half in the morning.

19 Q. When she is not outside, where is she?

20 A. She in the barn -- main barn.

21 Q. Okay. The main barn.

22 A. Uh-huh.

1 Q. And she is in her own stall?

2 A. Yes.

3 Q. And is there a concrete substrate?

4 A. Yes.

5 Q. And is she on chains?

6 A. Yes.

7 Q. Front and back?

8 A. Yes.

9 Q. And is she also chained throughout the night?

10 A. Yes.

11 Q. In the same area?

12 A. Uh-huh.

13 Q. Why is Emma only allowed out for an hour and
14 a half?

15 A. Because she baby-sits Shirley and her calf.

16 Q. Who is Shirley's calf?

17 A. Mabel.

18 Q. Does that mean Shirley's calf and Shirley are

19 also in the same place as Emma-- at the same place as

20 Emma?

21 A. Yes -- not in the same place; next to.

22 Q. Is there some kind of --

1 A. Partition.

2 Q. -- partition between them?

3 A. Uh-huh.

4 Q. What kind of partition is it?

5 A. Pipes.

6 Q. Can they actually interact with each other?

7 A. Yes.

8 Q. And how do they do that?

9 A. Reach in through the pipes.

10 Q. With their trunks?

11 A. Yes.

12 Q. Is there any other way that they can interact
13 with each other? I mean, is it just with their trunks?

14 A. Well, they can stick their legs through there
15 if they want to.

16 Q. But you said Emma was on chains.

17 A. That doesn't make any difference. They can
18 still stick their legs through there.

19 Q. Oh, okay. And is -- are Shirley and her baby
20 also on chains?

21 A. Shirley is.

22 Q. I am sorry?

1 A. Shirley is.

2 Q. Shirley is. But Mabel is not?

3 A. No.

4 Q. And is the stall that they are in, does it
5 also have a concrete substrate?

6 A. Yes.

7 Q. And how long is Shirley on chains?

8 A. Most of the day, except when she is outside
9 with her calf.

10 Q. How many hours a day does she spent outside?

11 A. Probably about an hour and a half.

12 Q. Is she, is Shirley also chained during the
13 night?

14 A. Yes.

15 Q. And does the calf stay with her during the
16 night?

17 A. Absolutely.

18 Q. Is there a place to swim at the CEC for the
19 elephants?

20 A. No, no.

21 Q. So the elephants don't do any swimming there?

22 A. No.

1 said you use the bull hook sometimes to bring an
2 elephant to you.

3 A. Yes.

4 Q. Do you use the hooked end of the bull hook to
5 do that?

6 A. Yes.

7 Q. And so do you actually hook the bull hook
8 into the skin of the elephant and pull the elephant
9 toward you?

10 A. Normally, you are saying come here and then
11 you move the hook.

12 Q. But does the hook have physical contact with
13 the elephant when you are doing that?

14 A. Sometimes.

15 Q. And elephants have sensitive skin, don't
16 they?

17 A. Yes.

18 Q. Does that cause any discomfort to the
19 elephant when you do that?

20 A. You would have to define discomfort.

21 Q. Do you think the elephant feels that bull
22 hook on its skin when you use the bull hook in that

1 them, so I don't use them.

2 Q. But if you wanted to use one, you could; is
3 that correct?

4 A. I don't know. I never --

5 Q. As far as you know, there is no policy
6 against it; is that correct?

7 A. It wouldn't be for training them, anyway,
8 so --

9 Q. I am sorry?

10 A. It wouldn't be for training them, anyway.
11 Whips are mainly just for show.

12 Q. You are familiar with a tool called an
13 electric prod or a hot shot?

14 A. Yes.

15 Q. Is that the same thing -- an electric prod
16 and a hot shot?

17 A. Sure.

18 Q. What is it?

19 A. They are used for moving around cattle and
20 hogs and various other animals.

21 Q. And how do they work?

22 A. They produce an electric shock.

1

Q. Have you ever seen one?

2

A. Yes.

3

Q. When have you seen one?

4

A. Almost every day for 35 years.

5

Q. Where?

6

A. Everywhere.

7

Q. You see them everywhere every day for 35

8

years? You see them at the CEC?

9

A. Yes.

10

Q. Oh. What are they used for at the CEC?

11

A. To make sure the males don't jump on me when
I am collecting semen.

13

Q. Oh, you use them on the male elephants?

14

A. No, We do not use them on the males. We have
them for safety only.

16

Q. I don't know what that means. Can you
explain that to me?

18

A. Certainly. When I am on my knees under the
males collecting semen, there's a hot shot nearby in
case it tries to jump on me or grab me or kick me
around or I should have a heart attack and fall
underneath it or something.

22

1 Q. I see. Have you ever had to use a hot shot

2 on an elephant?

3 A. Yes.

4 Q. When was that?

5 A. Whoo -- the last time. I guess collecting

6 semen.

7 Q. When was that?

8 A. A month ago.

9 Q. Okay. Which elephant?

10 A. Raja.

11 Q. And when was the -- before that when was the

12 last time you had to use a hot shot on an elephant?

13 A. A year ago last November.

14 Q. Which elephant?

15 A. It was loading Casey.

16 Q. To go to the Forth Worth Zoo?

17 A. Uh-huh.

18 Q. Why did you have to use a hot shot?

19 A. So he would get up in the truck.

20 Q. Because he didn't want to get up in the

21 truck?

22 A. Well, I don't know if it's a matter of him

1 not wanting to get up in the truck.

2 Q. He wasn't getting up in the truck?

3 A. He did not get up in the truck.

4 Q. Okay. And--

5 A. Rather than drug them.

6 Q. Okay. Can you recall any other times you
7 have used a hot shot on an elephant?

8 A. Occasionally with a male when we collect
9 them.

10 Q. When you collect semen? Collect the males?

11 A. Yes.

12 Q. Oh, okay. What do you mean by that --
13 correct them for what purpose?

14 A. Occasionally when you collect semen.

15 Q. Oh. Did you mean anything else other than
16 collect semen --

17 A. No.

18 Q. -- when you said that?

19 A. No. Collect is to collect semen.

20 Q. Okay. And have you ever seen anyone else who
21 works for Feld Entertainment use a hot shot on an
22 elephant?

1 back into the corner. You do that for a couple of
2 weeks, and they are used to being up steadied against
3 something. You move them four or five feet from the
4 corner, do it again, and they automatically go up.
5 There is nothing to it. Simplest thing in the world.

6 Q. Okay, but you can make a 14,000 pound-- I
7 guess they are little. How much do they weigh when you
8 are training them?

9 A. Two or 3,000.

10 Q. Okay. You can make a 3,000 pound animal back
11 up into a corner just by holding its trunk?

12 A. Yes, absolutely.

13 Q. Why would that make the elephant back up?

14 A. Because I have asked him to. He is trained
15 to back up.

16 Q. How do you train him to back up?

17 A. I already went through that.

18 Q. Oh, okay. That was the --

19 A. They back up really easy. If you see wild
20 elephants or zoo elephants or circus elephants, they
21 spend half of their time backing up.

22 Q. Now, did you learn how to teach an elephant

1 to do these commands from Smokey Jones?

2 A. Most of it.

3 Q. The ones that we have gone through?

4 A. Most of it because it was just -- it was more
5 scientific.

6 Q. And did you use the methods that he used as
7 well for elephants?

8 A. Smokey?

9 Q. Yes.

10 A. Yes.

11 Q. And what about -- is standing up, as you
12 described it, by an elephant on its hind legs, a
13 natural position for an elephant?

14 A. They climb on one another. They will climb
15 up into a tree. They will be virtually straight up.
16 They will stand up on their hind legs and pull fruit
17 out of a tree, pull limbs down. It is fairly common.

18 Q. But I am asking whether or not standing up
19 just on two hind legs with the two front legs in the
20 air is a natural position for an elephant?

21 A. Yes. They can walk on their hind legs.

22 Q. Now, what about is "sit up" a command?

1 A. No.

2 Q. So she may go back out on the road at some
3 point?

4 A. She may.

5 Q. Is Angelica being used in the breeding
6 program?

7 A. No.

8 Q. Is she going to be used in the breeding
9 program?

10 A. Probably.

11 Q. What about Mysor? Is Mysor being used in the
12 breeding program?

13 A. No.

14 Q. Why not?

15 A. She is 65 years old.

16 Q. So she is too old for it?

17 A. Yeah.

18 Q. How long was the quarantine by the State of
19 Florida imposed on the CEC?

20 A. Pardon?

21 Q. You said there was a quarantine imposed by

22 the State of Florida on the CEC --

1

A. Yes.

2

Q. -- because of TB?

3

A. Yes.

4

Q. How long was the quarantine for?

5

A. Indefinite.

6

Q. Is it still in operation?

7

A. Yes.

8

Q. When was it imposed?

9

A. I am not even sure.

10

Q. You have no idea?

11

A. It has probably been a year and a half.

12

Q. And when -- under what circumstances will the

13

quarantine be lifted?

14

A. When all of the elephants are treated in

15

accordance with the guidelines.

16

Q. Which guidelines?

17

A. The USDA guidelines.

18

Q. And what does the quarantine mean for the CEC

19

elephants?

20

A. It means that the bulk of them -- the

21

elephants in the main barn cannot leave.

22

Q. Cannot leave the CEC or leave the main barn?

1 A. Cannot leave the CEC.

2 Q. And what about the other elephants?

3 A. The males, of course, wouldn't go anywhere
4 anyway.

5 Q. Older males?

6 A. Right. And there is young elephants that are
7 housed away from the other elephants.

8 Q. Which young elephants are housed away from
9 the other elephants?

10 A. Gunther, PT, Rudy, Asha, and Angelica.

11 Q. And where are they housed?

12 A. In separate quarters.

13 Q. Are they all together?

14 A. No.

15 Q. Can you be more specific about where each of
16 these elephants is housed at the CEC? Let's start with
17 Gunther.

18 A. All right. He lives at night under a metal
19 roof on a cement slab.

20 Q. Is he chained?

21 A. Yes.

22 Q. Is he by himself?

1

A. Yes.

2

Q. Where is he during the day?

3

A. He goes in one of the yards.

4

Q. Is he with other elephants during the day?

5

A. No.

6

Q. Is he chained?

7

A. No.

8

Q. Why is he kept by himself?

9

A. He is a very aggressive six-year-old male

10

that will either get hurt or hurt another an elephant.

11

Q. Has he come into musth yet?

12

A. No.

13

Q. PT. Where is PT?

14

A. The other four are kept under a tent under a

15

metal roof.

16

Q. Okay. And that's also on a concrete

17

substrate?

18

A. Yes.

19

Q. And are they together in one area or do they

20

each have their own separate stalls?

21

A. No, they're in one area.

22

Q. And are they chained?

1

A. At night, yes.

2

Q. How about during the day?

3

A. During the day they are loose in the yard.

4

Q. I think we may have talked about some of

5

these before, right?

6

A. Yes.

7

Q. Are Gunther's parents -- is Gunther's mother

8

at the CEC?

9

A. Yes.

10

Q. Who is his mother?

11

A. Mawa.

12

Q. But Gunther is not kept with Mawa?

13

A. No.

14

Q. And is PT's mother at the CEC?

15

A. Yes.

16

Q. Who is his mother?

17

A. Joskey.

18

Q. And they are not kept together?

19

A. Nope.

20

Q. And Rudy's mother there?

21

A. Yes.

22

Q. Who is Rudy's mother?

1 A. Sally.

2 Q. And they are not kept together, either?

3 A. Nope.

4 Q. And Asha's mother is?

5 A. Alana.

6 Q. Is Asha's mother at the CEC?

7 A. Yes, Alana.

8 Q. And they are not kept together, either?

9 A. Nope.

10 Q. And Angelica's mother is who?

11 A. Yes, Icky.

12 Q. And they are not kept together, either?

13 A. No.

14 Q. How many elephants at the CEC have tested

15 positive for TB?

16 A. Five.

17 Q. Which ones?

18 A. Smokey, Ozzie, Mala. How many is that?

19 Q. Three?

20 A. Vance and Shirley.

21 Q. Shirley has tested positive for TB?

22 A. Uh-huh.

- 1 Q. When did she test positive for TB?
- 2 A. Sometime in the last four or five months, six
- 3 months.
- 4 Q. Is she the most recently -- is she the
- 5 elephant that's most recently tested positive for TB?
- 6 A. Yes.
- 7 Q. Has Mable been tested for TB?
- 8 A. No.
- 9 Q. Why not?
- 10 A. She is a wild little thing with her mother.
- 11 Q. Who is may Mable's mother?
- 12 A. Shirley.
- 13 Q. She is with Shirley right now?
- 14 A. Uh-huh.
- 15 Q. Even though Shirley has tested positive for
- 16 TB?
- 17 A. Yes. She is not weaned.
- 18 Q. Is there a risk that Mable will get TB from
- 19 Shirley?
- 20 A. I am not a medical doctor. I couldn't tell
- 21 you.
- 22 Q. Have you ever had any discussions with anyone

1 about that?

2 A. Yes.

3 Q. Who have you had discussions with?

4 A. Dr. Schmitt.

5 Q. What were the discussions?

6 A. We can't treat Shirley because of the drugs
7 interacting in the milk with Mable. So Mable is at a
8 critical age for herpes, so.

9 Q. You are totally losing me. I'm sorry. Can
10 you explain that?

11 A. The drugs will come out through the milk and
12 possibly hurt the calf. There is more risk in that
13 than there is of her picking up TB.

14 Q. This is what Dr. Schmitt told you?

15 A. Yes.

16 Q. When did you have this conversation with him?

17 A. Sometime in the last few months.

18 Q. So does that mean Shirley is not being
19 treated for the TB?

20 A. She is not being treated at this time.

21 Q. And how old is Mable? She was born in April
22 of 06; is that correct?

1 Q. And is that something that's written down
2 somewhere -- the procedure that's used during the
3 birthing process?

4 A. You know, I don't know. It probably is now,
5 yes.

6 Q. Have you ever seen any written procedure for
7 the birthing process.

8 A. I am not sure if I have. I certainly know it
9 by heart.

10 Q. But you may have seen some written
11 procedures.

12 A. I may have. I may have, but I am not sure.

13 Q. Now, at some point a baby is separated from
14 its mother; is that correct?

15 A. Yes.

16 Q. When is it decided what that point is?

17 A. It depends on the mother and the calf.

18 Q. What is the purpose of separating the baby
19 from the mother?

20 A. So you can manage it. The mothers get pretty
21 tired of them when they hit about two. They start
22 kicking them around. The aunties in particular start

1 daylight out of these calves when they hit about two
2 years of age. If they are males, sooner.

3 Q. So you say that's part of the reason for the
4 separation process is to protect calves from the other
5 elephants?

6 A. That. And it is time for the calves to start
7 becoming elephants.

8 Q. What does that mean?

9 A. Well, they end up being trained.

10 Q. So part of the reason you separate the babies
11 from the mother is so that you can start training them?

12 A. Right. Some you can train with the mothers;
13 some you can't.

14 Q. Now, when they are separated from the mothers
15 by you, are you involved in that process?

16 A. Yes.

17 Q. Are you always involved in that process?

18 A. Yes.

19 Q. And when they are separated from the mothers,
20 are they still nursing at that point?

21 A. Yes.

22 Q. And at what age are they typically separated

1 from the mothers?

2 A. Around two.

3 Q. Because before you were suggesting that
4 having a baby nurse is good for the baby. And so I am
5 questioning why you would want to separate a baby who
6 is still nursing from its mother?

7 A. They will nurse till they are eight feet tall
8 if their mother will let them. They will get on their
9 knees and they will lay down under them and nurse.

10 Q. And would they be too old, then, to train?

11 A. It wouldn't be a very healthy situation for
12 man or beast having something that size around hands
13 off. It all depends on the elephants and the calf.

14 Q. But, I mean, is part of the reason that you
15 take them away at the age you take them away from their
16 mother because they are more easily trained at that
17 age?

18 A. Yes.

19 Q. Can you describe the process that's used to
20 separate the babies from the mothers?

21 A. It depends on the mother and the baby.

22 Q. Is there a normal process that you typically

1 use?

2 A. I've changed the process time and time again
3 since I have been there.

4 Q. Okay. When is the last time that you did the
5 separation process?

6 A. Six months ago.

7 Q. And who was the baby?

8 A. Arie and Irvin.

9 Q. You did them at the same time?

10 A. Yes.

11 Q. And Arie's mother is Mala. And Irvin's
12 mother is Alana, correct?

13 A. Correct.

14 Q. And how did you separate Arie from Mala and
15 Irvin from Alana?

16 A. We just grabbed them and tied them up.

17 Q. You grabbed the babies and tied them up?

18 A. Yes.

19 Q. Tied them up where?

20 A. Each in a separate paddock inside the barn.

21 Q. By themselves?

22 A. Yes.

- 1 Q. And how long were they tied up for?
- 2 A. For approximately 10 days.
- 3 Q. And were there chains used as well?
- 4 A. At first there were only ropes and bands.
- 5 Q. I'm sorry?
- 6 A. Ropes and cotton bands.
- 7 Q. Where were the ropes?
- 8 A. On their legs.
- 9 Q. The rope on all four legs?
- 10 A. The first night, four legs.
- 11 Q. I am sorry?
- 12 A. The first night, four legs.
- 13 Q. And then after the first night, how many
- 14 legs?
- 15 A. Two.
- 16 Q. And why did you have to tie them up in the
- 17 barn?
- 18 A. Because they are wild.
- 19 Q. What does that mean?
- 20 A. They can hurt themselves.
- 21 Q. Would they want to get back to the mother?
- 22 A. They run around.

1 Q. Would they want to get back to their mother?

2 A. Well, the one's mother was right next to it.

3 And he didn't have to go very far.

4 Q. Whose mother was right next to it?

5 A. Irvin's.

6 Q. Irvin's mother was right next to him in the
7 barn?

8 A. Uh-huh.

9 Q. But he was tied up?

10 A. Right.

11 Q. For 10 days?

12 A. Right.

13 Q. And how did Alana react to her brand new baby

14 being tied up for two 10 days right next to her?

15 A. Not bad.

16 Q. Not bad at all?

17 A. No.

18 Q. Not distressed in the least?

19 A. It is the fourth time she went through it.

20 Q. She exhibited no signs of distress or anxiety

21 at all?

22 A. Stress and anxiety are strange words. How

1 about a little excitement, something that would be
2 normal. This isn't really a horrible situation like
3 you are making it out to be.

4 Q. No, I am just asking?

5 A. The next day she is out in the field with the
6 other elephant without any thoughts about it.

7 Q. And when you say she was right next to him,
8 was there a barrier between the two of them?

9 A. Yes.

10 Q. What kind of barrier?

11 A. Pipe.

12 Q. And what about Arie? Same situation. Was
13 Mala also--

14 A. Mala was on the other side of Alana.

15 Q. And where was Arie?

16 A. On the other side of Irvin.

17 Q. And were Irvin and Arie tied up in separate
18 stalls from each other?

19 A. Right, right.

20 Q. And they were both tied up for 10 days?

21 A. Right.

22 Q. And what was being done about feeding them

1 during that time period?

2 A. What do you mean?

3 Q. What were they being fed?

4 A. The same thing they always were fed.

5 Q. Which is what?

6 A. They start eating solid food in about 10
7 days-- these guys. So by the time this happens, they
8 have been eating solid food for almost two years.

9 Q. Okay. But they are no longer getting any
10 milk?

11 A. They are no longer getting any milk.

12 Q. You don't pump the mother for milk?

13 A. No. It would be extremely difficult with
14 elephants.

15 Q. And then after the 10 days, what happened to
16 Arie and Irvin?

17 A. Irvin is turned completely loose and Arie was
18 on one chain.

19 Q. And how long was Arie on one chain?

20 A. Probably four months, except when I was
21 working here -- working with her and turning her loose,
22 walking her around. But now, just for the record, she

1 is completely loose.

2 Q. She was on one chain for four months?

3 A. Uh-huh.

4 Q. And which leg was chained?

5 A. Alternate legs.

6 Q. You mean you would take the one chain and
7 switch it to various legs?

8 A. Right, to the front legs.

9 Q. And was she chained all day and all night
10 like that?

11 A. Except when she was loose with me.

12 Q. How many hours was she loose with you
13 during the day during this four months?

14 A. Probably about 40 minutes a day.

15 Q. Okay. So other than that, she was chained?

16 A. Right.

17 Q. And was Irvin chained at all during the
18 separation process?

19 A. He was tied up for about 10 days.

20 Q. Just ropes, though, or were there chains
21 involved?

22 A. Once in a while I would put a chain on him.

1 But basically just ropes.

2 Q. But I am specifically asking about Irvin.

3 Did he have a chain on him?

4 A. Once in a while. But basically we just had
5 ropes on him.

6 Q. Okay. Sometimes you used a chain, but other
7 times it was just the ropes?

8 A. Right, affixed to a band.

9 Q. And now are Arie and Irvin, do they spend any
10 time at all with their mothers?

11 A. No.

12 Q. And when you said you have used different
13 ways of separate babies from their mothers over time,
14 how does the way you used it the last few times you did
15 it differ from ways you have used it in previous years?

16 A. Sometime we would move them to the other end
17 of the barn; sometimes not. It depends on the cow and
18 the calf. They dictate most of that.

19 Q. But were ropes used?

20 A. Yes.

21 Q. Always with the separation process?

22 A. Sometimes.

1 Q. And where are the elephants kept during
2 Winter Quarters?

3 A. In the portable building.

4 Q. And are they on chains?

5 A. Some of the time.

6 Q. How much of the time are they on chains?

7 A. Probably about 12 hours a day there.

8 Q. And are they on chains during the night?

9 A. Yes. They are only tied at night.

10 Q. Excuse me?

11 A. They are only tied at night. During the day
12 they are loose.

13 Q. In the portable building, they are all loose
14 together in the portable building?

15 A. It is at a large fairgrounds, and they have
16 portable yards.

17 Q. Are they in separate stalls -- the elephants?

18 A. They are in groups according to how they get
19 along. They are in the hot wire yards, on dirt.

20 Q. And are they outside during the night?

21 A. No, they are inside during the night.

22 Q. And what does the inside quarters look like