

UNITED DISTRICT COURT

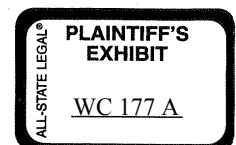
FOR THE THE DISTRICT OF COLUMBIA

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

Tuesday, July 25, 2006

Washington, D.C.

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



1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 KATHERINE A. MEYER, ESQ.

4 KIMBERLY OCKENE, ESQ.

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12 On behalf of the Defendants:

13 LISA ZEILER JOINER, ESQ.

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20 Also present: Tracy Silverman, Animal Welfare
21 Institute

22 Dustin Lavalley, Videographer

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C O N T E N T S

Examination of TROY J. METZLER	Page
BY MS. MEYER:	5

E X H I B I T S

Number	Description	Page
1	Subpoena	6
2	Invoice, payment requisition, copy of check	326

1 representing the Plaintiffs.

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

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

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

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

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

13 Whereupon,

14 TROY J. METZLER

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

19 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS:

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

1 A. Yes.

2 Q. And did he hire you at that time?

3 A. No.

4 Q. When did you work for -- start working
5 for Mr. Moore?

6 A. At the end of the summer.

7 Q. Summer of what year?

8 A. When I was in Quebec. I forget what I
9 said.

10 Q. I think we are up to 1982 or '83.

11 A. Sounds right.

12 Q. Do you know which it is?

13 A. No, I don't recall. I'm not the
14 greatest with my years.

15 Q. Okay. How long did you work for Mr.
16 Moore?

17 A. About '91.

18 Q. When you first started there, what
19 were your duties?

20 A. Elephants, elephant husbandry,
21 assisted him in training, routines.

22 Q. Did Mr. Moore train the elephants?

1 A. He was one of them, yes.

2 Q. Who else trained the elephants?

3 A. Smokey Jones, Robert Jones.

4 Q. And who was Smokey Jones?

5 A. An elephant trainer.

6 Q. Was he well-known in the industry as
7 an elephant trainer?

8 A. Yes.

9 Q. How old was he at the time when you
10 met him in Michigan?

11 A. I don't recall.

12 Q. Approximately?

13 A. I couldn't guess.

14 Q. Any other trainers of the elephants
15 that Bobby Moore had up in Michigan at that
16 time?

17 A. No.

18 Q. So it was just Mr. Moore and Mr.
19 Jones?

20 A. There was some other workers there.

21 Q. Do you remember any of the other names
22 of the workers?

1 A. Jody Watkins.

2 Q. Is that a man or a woman?

3 A. A man.

4 Q. Was he also responsible for training
5 the elephants?

6 A. Assisting, yes

7 Q. And you said you were also responsible
8 for assisting in the training of the elephants,
9 is that correct?

10 A. Yes.

11 Q. Did you and Mr. Watkins have
12 approximately the same duties in that regard?

13 A. Pretty much so, yes.

14 Q. Is there anybody else who had training
15 responsibilities for the elephants?

16 A. No.

17 Q. Now, did you receive training in how
18 to train the elephants from Mr. Moore?

19 A. Yes. And Mr. Jones.

20 Q. That was my next question. And would
21 they train you together or separately?

22 A. Together.

1 Q. Okay. So that would have been about
2 1989 then?

3 A. I believe that's -- that's a guess,
4 but yes.

5 Q. What happened?

6 A. He was in musk.

7 Q. And what happened?

8 A. And he knocked me down.

9 Q. What were you doing at the time?

10 A. Giving him hay.

11 Q. Did you suffer any injuries?

12 A. No.

13 Q. Did you have to be hospitalized?

14 A. No.

15 Q. Were there any consequences to Rajah
16 as a result of knocking you down?

17 A. No.

18 Q. Did Smokey Jones ever give you any
19 written materials concerning how to train an
20 elephant?

21 A. No, other than a book.

22 Q. He gave you a book?

1 A. Yes.

2 Q. Okay. What was the book?

3 A. Elephants in Captivity.

4 Q. Is he the author of the book?

5 A. No, he is in the book, though.

6 Q. Do you know who the author of the book

7 is?

8 A. No.

9 Q. When you say he is in the book, what

10 do you mean by that?

11 A. In reference to elephant trainers.

12 Q. Okay. Do you have a copy of the book

13 still?

14 A. I do.

15 Q. Do you regard that as a personal

16 possession?

17 A. Like all my books.

18 Q. Do you regard it as something that you

19 keep in the course of your employment with

20 Ringling Bros.?

21 A. No. It's in storage.

22 Q. Where is it in storage?

1 Q. Bobby Moore's. Is that the same Asia
2 that is now at Feld Entertainment?

3 A. Yes, that he sold all of the elephants
4 to.

5 Q. That's right. Thank you. And what
6 about these elephants, Dolly, Babe, Lou, Annie,
7 Snuffy? Did any of those elephants ever end up
8 at Feld Entertainment?

9 A. No.

10 Q. And they were all African elephants?

11 A. Yes.

12 Q. All right. So those elephants were
13 younger than 17 years old --

14 A. Yes.

15 Q. -- when you went to work for Jacob
16 Barrada?

17 A. Yes.

18 Q. So at that point, you had worked with
19 both African elephants and Asian elephants,
20 correct?

21 A. Yes.

22 Q. And how were African elephants

1 different from Asian elephants?

2 A. Where they come from.

3 Q. Right.

4 A. I mean, they are all different. Each
5 one has got a different personality. Its just
6 like two different dogs, I guess. You know,
7 they are --

8 Q. Okay. Is the skin of an African
9 elephant similar to the skin of an Asian
10 elephant?

11 A. Similar, yes.

12 Q. And are they both very sensitive?

13 A. Yes. Like people. Some are very
14 sensitive and some aren't sensitive at all.

15 Q. And are both African and Asian social
16 animals?

17 A. Yes.

18 Q. They like to be with other elephants?

19 A. Yes.

20 Q. And are both African and Asian
21 intelligent animals?

22 A. Just like people, some are very

1 intelligent and some aren't as quick as others.

2 Q. And when you worked with African
3 elephants, did you observe how they use their
4 trunks?

5 A. Yes.

6 Q. How do they use their trunks?

7 A. Just like the Asians.

8 Q. Can you be more specific about how
9 they use their trunks?

10 A. They use to it drink water, suck water
11 up into their noses blew it into their mouth.
12 They throw it on their back. They breathe
13 through it. They pick food up with it to put in
14 their mouth. Basic trunk stuff.

15 Q. Do they use their trunks to explore
16 their surroundings?

17 A. Both species.

18 Q. Do they use their trunks to interact
19 with each other?

20 A. Yes.

21 Q. You said you knew Jacob Barrada
22 because they were friends of the family?

1 A. I would say some from Smokey Jones,
2 Mike Hackenberg.

3 Q. Hackenberg?

4 A. Hackenberg.

5 Q. Okay. Anybody else?

6 A. Bobby Moore. And that's all I could
7 recall.

8 Q. Did these trainers, Smokey Jones, Mike
9 Hackenberg, Bobby Moore, did they all pretty
10 much use the same techniques to train the
11 elephants?

12 A. Pretty much so, yes.

13 Q. And those were the techniques that
14 were also taught to you by Smokey Jones and
15 Bobby Moore?

16 A. Yes.

17 Q. And those would be the same techniques
18 that were taught to Jody Watkins as well?

19 A. Yes.

20 Q. And were you also involved in training
21 the two Asian elephants that you picked up in
22 Israel to perform tricks and routines?

1 A. Feld Entertainment.

2 Q. And what year was that?

3 A. '99.

4 MS. MEYER: This is a great place to
5 take a break. Okay?

6 THE VIDEOGRAPHER: This is the end of
7 tape number 1 in the deposition of Toby (sic.)
8 Metzler. Off the record at 10:53:37, a.m., on
9 July 25, 2006.

10 (Whereupon, a recess was taken from
11 10:53 to 11:10.)

12 THE VIDEOGRAPHER: This is the
13 beginning of tape number two in the video
14 deposition of Troy Metzler. On the record at
15 11:10:13, a.m., July 25, 2006.

16 BY MS. MEYER:

17 Q. Okay. Mr. Metzler, you mentioned
18 earlier in your testimony a book that Smokey
19 Jones gave you when you worked for Bobby Moore.
20 And I have a book right here, and I have a
21 feeling this may be it, and I want to know if it
22 is. It is called Wild Elephants in Captivity by

1 Dr. Jack Adams.

2 A. That's it.

3 Q. This is the same book that you were
4 referring to earlier in your testimony?

5 A. Yes.

6 MS. MEYER: Just for the record, the
7 copyright is 1981, Library of Congress catalog
8 number 81-69851.

9 MS. JOINER: That's your copy?

10 MS. MEYER: This is my copy.

11 MS. JOINER: Right.

12 BY MS. MEYER:

13 Q. Okay. Now, when Feld Entertainment
14 purchased Bobby Moore's elephants in 1991, did
15 you say that all of the elephants went to Feld
16 Entertainment other than the two Africans?

17 MS. JOINER: Object to form.

18 THE WITNESS: Yes.

19 BY MS. MEYER:

20 Q. And did Reba also go to Feld
21 Entertainment in 1991?

22 A. Yes.

1 A. Yes.

2 Q. So at that time, Vance and Mala were
3 also at Busch Gardens?

4 A. Yes.

5 Q. All right. So when did you start
6 working at the Ringling Bros Circus?

7 A. '99.

8 Q. Have you had any other jobs with Feld
9 Entertainment other than working at the circus?

10 A. No.

11 Q. And when you first started working
12 there, which unit did you work for?

13 A. I was at CEC.

14 Q. And that's the Center for Elephant
15 Conservation?

16 A. Yes.

17 Q. And who hired you?

18 A. Richard Froemming.

19 Q. Who is he?

20 A. He was the vice president of circus
21 operations.

22 Q. And what did he hire you to do?

1 A. Baby elephants, young elephants.

2 Q. What were you hired to do with respect
3 to the baby elephants?

4 A. Anything and everything. All
5 husbandry, performance.

6 Q. And at that point in time, how many
7 baby elephants did the Ringling Bros. Circus
8 have?

9 A. I don't recall.

10 Q. Approximately.

11 A. When you say babies, when you --

12 Q. Well, you said you were hired for the
13 baby elephants.

14 A. Right. Babies to me, like Juliet is
15 13 now, and we still call her one of the babies,
16 so...

17 Q. Okay.

18 A. So there was five.

19 Q. Okay. And who were they?

20 A. The ones that I worked with?

21 Q. Yes, when you first started there, in
22 1999.

1 A. Romeo, Shirley, Juliet, Bonnie, and
2 Kelly Anne.

3 Q. Okay. And did you have any
4 supervisors at the CEC at that point in time?

5 A. Gary Jacobson.

6 Q. Anybody else?

7 A. He was running the place at the time.

8 Q. He was running place? Is that what
9 you said?

10 A. Yes, he was. He is.

11 Q. What is his title, or what was it
12 then?

13 A. You know, I don't recall his titles.

14 Q. But he was running the CEC when you
15 were hired there?

16 A. Yes.

17 Q. Did you have any other supervisors
18 besides Gary Jacobson?

19 A. Richard Froemming.

20 Q. He was also located at the CEC?

21 A. No. He was in Vienna, Virginia.

22 Q. That's Feld Entertainment's

1 Q. Approximate ages?

2 A. Kelly was 3-and-a-half. Bonnie would
3 have been 4-and-a-half. Juliet would have been
4 6. Romeo would have been 6, around that.

5 Q. How about Shirley?

6 A. Shirley would have been 7 -- no, I'm
7 sorry, 6 -- 5-and-a-half, 6.

8 Q. Now, when you got to the CEC in 1999,
9 had those five elephants already been trained to
10 perform in the circus?

11 A. Yes.

12 Q. Who had trained them?

13 A. Gary Jacobson.

14 Q. Had anybody else been responsible for
15 training the elephants?

16 A. Working with them or training them?

17 Q. Training them.

18 A. The assistants.

19 Q. Who were those?

20 A. I don't recall.

21 Q. Do you remember any of them?

22 A. No.

1 A. Well, yes. I mean, each elephant is
2 different so, you know, each person's way they
3 raise their children is different. But there's
4 a basic training taken care of.

5 Q. As far as you know, Mr. Jacobson used
6 the basic same training techniques that you used
7 with Smokey Jones?

8 A. Yes.

9 MS. JOINER: Object to form.

10 BY MS. MEYER:

11 Q. Your answer to that question was yes,
12 correct?

13 A. (Witness nodding head.)

14 Q. So you were saying your duties changed
15 sometime in 2003, 2004.

16 Before that time, did you receive any
17 promotions at all from Feld Entertainment?

18 A. No.

19 Q. Before 2003-2004, were you on the road
20 with the elephants?

21 A. Yes.

22 Q. Okay. When did you first go on the

1 road with the elephants?

2 A. 2000.

3 Q. All right. And what was the gap in
4 time between when you started in 1999 and you
5 first went on the road with the elephants?

6 A. Three weeks.

7 Q. So it's when you first went on the
8 road with the elephants that you got your
9 written contract, is that correct?

10 A. They were still in rehearsal, so it
11 was two weeks before we went on the road. We
12 still had two weeks of rehearsals left.

13 Q. Where were the rehearsals taking
14 place?

15 A. Tampa fairgrounds.

16 Q. Is that an outdoor venue?

17 A. We don't play outdoor venues.

18 Q. Were all of the elephants at the Tampa
19 fairgrounds when you started working at the CEC
20 in 1999?

21 A. I don't understand the question.

22 Q. Were all of the Feld Entertainment

1 A. Yes.

2 Q. Can you explain what the winter
3 quarters means?

4 A. It's where they lay over and put a new
5 show together.

6 Q. And when does winter quarters take
7 place?

8 A. Oh, that depends every year.

9 Q. Approximately?

10 A. Normally around a little bit after
11 Thanksgiving.

12 Q. And how long does it last?

13 A. We normally open around January 1st or
14 2nd.

15 Q. And do all of the elephants who are
16 traveling with the Blue Unit during the year end
17 up at winter quarters at the end of that year?

18 A. Yes.

19 Q. Do any of them go from being on the
20 road to someplace else instead of winter
21 quarters?

22 A. I don't understand your question.

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

2 A. Somewhere around 2003.

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

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

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

9 A. Around 2003 and 2004.

10 Q. And what was your new job title?

11 A. Superintendent of elephants.

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

14 A. I'm not sure of that.

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

18 A. Yes.

19 Q. How many units does the circus have?

20 A. Three.

21 Q. Could you state what they are?

22 A. Blue, Red, and Gold.

1 Q. And what's the difference between the
2 Blue Unit and the Red Unit?

3 A. Different animals, different
4 performers, different lights, different music.

5 Q. Do they both have Asian elephants?

6 A. Yes.

7 Q. And you said currently the Blue Unit
8 has eight elephants traveling with it, is that
9 correct?

10 A. Yes.

11 Q. How about the Red Unit? Do you know
12 how many elephants are traveling with the Red
13 Unit?

14 A. Nine.

15 Q. Nine?

16 A. Yes -- not for sure.

17 Q. Who is in charge of the Red Unit?

18 A. Alex Vargas.

19 Q. Who is in charge of the Blue Unit?

20 A. I'm sorry, he is animal
21 superintendent. Didn't know what aspect you are
22 asking. I'm sorry.

1 A. 2002.

2 Q. Now, does Icky also perform with the
3 Blue Unit?

4 A. No.

5 Q. Where is Icky?

6 A. CEC.

7 Q. And how long has Icky been at the CEC?

8 A. I don't know.

9 Q. As far as you know, has Icky been at
10 the CEC since you started working at Feld
11 Entertainment?

12 A. Yes.

13 Q. All right. And you said in 2003 or
14 2004 you became the superintendent of elephants,
15 is that correct?

16 A. Yes.

17 Q. And what -- how did your actual job
18 duties change as a result of you receiving that
19 title?

20 A. I was just -- became in charge of all
21 of the crew and the setups and all of the
22 elephants.

1 Q. And when you say all of the elephants,
2 you only mean on the Blue Unit, is that correct?

3 A. Yes.

4 Q. And what is the total number of
5 elephants on the Blue Unit?

6 A. Eight.

7 Q. Eight. And was that true in 2003
8 when -- or 2004 when you became the
9 superintendent of elephants?

10 A. No.

11 Q. How many elephants were on the Blue
12 Unit at that time?

13 A. 10 or 11.

14 Q. Which of the elephants were on the
15 Blue Unit in 2003 to 2004 when you became the
16 superintendent of elephants, who are no longer
17 on the Blue Unit?

18 A. I'm sorry, I don't understand that --
19 that question.

20 Q. You said there were eight elephants on
21 the Blue Unit now.

22 A. Right.

1 Q. There were approximately 10 or 11 --

2 A. Yes.

3 Q. -- elephants on the Blue Unit when you
4 became the superintendent of elephants?

5 A. Yes.

6 Q. And I'm asking which elephants are no
7 longer on the Blue Unit who were on the Blue
8 Unit when you became the superintendent of
9 elephants?

10 A. Got you. Lutsie.

11 Q. Lutsie?

12 A. Lutsie, Susan, Mysore, Tova.

13 Q. Tova?

14 A. Tova.

15 Q. Where are Lutsie, Susan, Mysore, and
16 Tova now?

17 A. Mysore is on the Gold show, and the
18 other three are at the CEC.

19 Q. Do you know the ages of these
20 elephants?

21 A. Approximately.

22 Q. Okay. How old is Lutsie?

1 A. She is about 55.

2 Q. How about Susan?

3 A. She is about 54.

4 Q. How about Mysore?

5 A. 58.

6 Q. And Tova?

7 A. Early 40s.

8 Q. And do you know what Lutsie, Susan,
9 and Tova are doing at the CEC?

10 A. Hanging out.

11 Q. Are they being bred?

12 A. No.

13 Q. Do you know why they are not being
14 bred?

15 A. Their ages.

16 Q. Are there any other additional duties
17 that you acquired when you became the
18 superintendent of animals -- I'm sorry,
19 superintendent of elephants -- that you haven't
20 told us about?

21 A. No.

22 Q. And are you currently performing with

1 the Blue Unit?

2 A. Yes.

3 Q. And what does your performance entail?

4 A. Anything with elephants.

5 Q. Is there a regular routine that you
6 use during the performance?

7 A. Yes.

8 Q. In every city that you go to, it's the
9 same routine?

10 A. Yes.

11 Q. All right. What is the routine?

12 A. With the elephants?

13 Q. Yes.

14 A. Oh, they are in opening.

15 Q. What does that mean?

16 A. A parade of the opening of the show.

17 Q. How long does that take?

18 A. 90 seconds.

19 Q. Okay. And is that where all of the
20 elephants or all of the animals and performers
21 come out?

22 A. Yes.

1 Q. And what do the elephants do during
2 the parade?

3 A. They walk down the center, they split
4 off at the front, come back around and come in
5 line facing the audience.

6 Q. And are they required to walk in any
7 particular order?

8 A. Yes.

9 Q. Who is the lead elephant?

10 A. Minyak.

11 Q. And why is she the lead elephant?

12 A. She is big.

13 Q. How old is she?

14 A. 38.

15 Q. And who are the elephants that are
16 currently touring with the Blue Unit?

17 A. Minyak.

18 Q. Mm-hmm.

19 A. Jewel, Karen, Nicole, Juliet, Bonnie,
20 Kelly Anne, and Sara.

21 Q. And Sara is the youngest of those
22 elephants?

1

A. Yes.

2

Q. Is she the only young elephant among

3

those?

4

A. No. The four are juveniles.

5

Q. Let's do the ages if you don't mind.

6

Minyak is as you said about 38?

7

A. Yes.

8

Q. How about Jewel?

9

A. 55.

10

Q. How about Karen?

11

A. Karen is 39.

12

Q. How about Nicole?

13

A. Nicole is about 31.

14

Q. Juliet?

15

A. 13.

16

Q. Bonnie?

17

A. 11.

18

Q. Kelly Anne?

19

A. 10.

20

Q. Sara?

21

A. 5.

22

Q. Who is Bonnie's mother, do you know?

1 holding hands at school.

2 Q. Okay. And then after they come out
3 and do the parade, where do they go?

4 A. Back to the tent or their area.

5 Q. And then when do the elephants next
6 come out and do any performance?

7 A. And then Kelly Anne comes down by
8 herself.

9 Q. What does she do?

10 A. She gets on a cart.

11 Q. Gets on a cart?

12 A. A cart.

13 Q. What kind of a cart?

14 A. A big cart.

15 Q. Can you describe it?

16 A. With wheels, like a big wagon.

17 Q. Mm-hmm. And are you responsible for
18 cueing her to get on the cart?

19 A. Yes.

20 Q. And what does she do on the cart?

21 A. Stands there.

22 Q. Does she do anything else?

1 A. Get on the cart, and the girl gets
2 off. Kelly turns and leaves.

3 Q. And when do any of the elephants next
4 perform?

5 A. Kelly goes back, and then Nicole comes
6 down.

7 Q. Before we get to Nicole, how long is
8 the part of the act that where Kelly is on the
9 cart?

10 A. Maybe 60 seconds.

11 Q. Okay. And then the next part of the
12 performance?

13 A. Would be when Nicole comes down.

14 Q. Mm-hmm. And what does Nicole do?

15 A. She is in the diner gag.

16 Q. I'm sorry?

17 A. A diner gag.

18 Q. A diner gag?

19 A. Yes.

20 Q. Can you describe that?

21 A. Sure. There's a bunch of clowns out
22 there, and it is a diner's kind of set up, and

1 Entertainment?

2 A. Since 2002.

3 Q. Has he worked under you since 2002?

4 A. Yes.

5 Q. And do you know his background, where
6 he came from?

7 A. From England.

8 Q. And do you know who trained him to
9 work with elephants?

10 A. I don't recall the gentleman's name.
11 Lee. I do know his first name was Lee.

12 Q. And who trained Kelly Anne to do the
13 bit on the cart?

14 A. I did.

15 Q. All right. And how long is the Nicole
16 diner gag? How long is Nicole involved in the
17 Nicole diner gag?

18 A. A little over 90 seconds.

19 Q. Okay. And then what happens next in
20 terms of when the elephants perform?

21 A. That would be the second half of the
22 show.

1 Q. And what is the routine?

2 A. Manage. It's where all of the
3 elephants go in and the elephants act.

4 Q. I'm sorry, it's called manage?

5 A. Manage, yes.

6 Q. And could you describe that, please?

7 A. In what aspect?

8 Q. I'm sorry. You started to -- I just
9 want you to describe what it entails, manage?

10 A. We all go down the center with six --
11 seven of the elephants. And then they veer off
12 to the right, to the left, and get on a tub.

13 Q. Each elephant gets on a tub?

14 A. Yes.

15 Q. Okay. And at that point, is it all 8
16 elephants?

17 A. Yes. One is in the back by the
18 curtain getting on a small tub.

19 Q. Would that be Sara?

20 A. That would be Jewel.

21 Q. Jewel is on a small tub?

22 A. Yes. It's a granny tub.

1 Q. Okay. And then what happens? When
2 you say get on the tub, what do you mean?

3 A. All four feet.

4 Q. How far off the ground is the tub?

5 A. It varies from elephant to elephant.

6 Q. Okay. What is the range?

7 A. 3 feet.

8 Q. 3 feet to?

9 A. 2-and-a-half.

10 Q. About 2-and-a-half to 3 feet high?

11 A. Yeah.

12 Q. Okay.

13 A. Might be --

14 Q. Sorry?

15 A. Might be one a little higher than
16 that. It's not --

17 Q. Okay. And how wide is the tub?

18 A. It varies from tub to tub, but about 3
19 feet.

20 Q. Okay. And then once the elephants are
21 on the tubs, what happens next?

22 A. We put a sign in their mouth that says

1 flip.

2 Q. In each elephant's mouth?

3 A. Just the four at either end.

4 Q. Uh-huh. And then what happens?

5 A. Then everybody flips. Performers,
6 clowns, dancers.

7 Q. But not the elephants?

8 A. No.

9 Q. Okay.

10 A. We have the trampoline right on --
11 then they come off the tub and sit down. And
12 they sit up.

13 Q. When you say sit up, what do you mean?

14 A. They lift their front feet into the
15 air and sit up like a dog would.

16 Q. Okay. And are they sitting on the
17 ground?

18 A. No, they are on the tub.

19 Q. They are on the tub. And then what?

20 A. Then they come down, they go forward a
21 little bit, and then they wave their trunks.

22 Q. How do they wave their trunks?

1 A. They all wave different.

2 Q. Is there something in their trunks
3 when they wave their trunks?

4 A. No.

5 Q. And then what happens?

6 A. Then they all switch sides.

7 Q. Mm-hmm.

8 A. And they all go to the back, come in
9 line, and then we start a soul train.

10 Q. Okay. And when the elephants first
11 come out for the manage, are they in the order
12 that you listed before in your testimony? There
13 is a different order?

14 A. Yes.

15 Q. What's the manage order?

16 A. It would be Karen.

17 Q. Mm-hmm?

18 A. Nicole.

19 Q. Mm-hmm?

20 A. Minyak, Julie, Bonnie, Sara, Kelly.

21 Q. Julie is also Juliet, correct?

22 A. Juliet, yes.

1 Q. All right. And then what is the soul
2 train?

3 A. A soul train is a soul train, where
4 everybody lines up on the sides and each person
5 takes a turn dancing down the center of the
6 train. You have never seen soul train?

7 Q. Not with elephants, I don't think.

8 A. So all the dancers are on the sides,
9 and there's like a tunnel, and Sara goes first.

10 Q. When you say the dancers are on the
11 sides, you mean the elephants?

12 A. No the dancers.

13 Q. The actual human dancers?

14 A. And clowns. They start dancing like
15 you would in a soul train.

16 Q. All right.

17 A. Sara comes out. She skips down the
18 center with some clowns on the side of her, you
19 know, dancing skipping next to her. Gets to the
20 end, and waltzes, and then leaves.

21 Q. And then each one of the other
22 elephants comes down?

1 A. And then Kelly, and then Bonnie.

2 Q. Just those three?

3 A. Yes.

4 Q. Okay. And then after the soul train
5 part of the routine, what happens next?

6 A. Three of the elephants go up the
7 center and we put hoops in their mouths, it is a
8 bar with two hoops on either end. And then
9 clowns and the performers run and dive through
10 the hoops one after the other to the front.

11 Then --

12 Q. Okay.

13 A. Then the hoops come out and we do two
14 leg carries, where the clowns stick their leg
15 into the elephants's mouth, the elephant picks
16 them up and walks around.

17 Q. How many of the elephants are involved
18 in that?

19 A. Two.

20 Q. Which ones?

21 A. Karen and Nicole.

22 Q. Okay. And then what?

1 A. From there, they would go into a
2 laydown, situp. From there we go into a
3 merry-go-round and spindles.

4 Q. And the laydown, situp, is that
5 basically the same trick that you described
6 earlier that you learned at Bobby Moore's?

7 A. There is a basic laydown, situp.

8 Q. Okay. All right. And the same with a
9 the spindle that you described earlier?

10 A. Yes.

11 Q. And merry-go-round, I think you
12 described that as well?

13 A. Yes.

14 Q. And then what happens?

15 A. Then they all come off the spindles
16 and over onto one side of the arena, and they
17 will do a shake and a dance along with the
18 audience. And then they all run to the other
19 side of the audience, the arena, and then they
20 all do a kneel and wave their trunk a little
21 bit, and three leave, five stay for a walking
22 long mount.

1 Q. I'm sorry. Three leave and five stay

2 for what?

3 A. Walking long mount.

4 Q. What is that?

5 A. That's when they mount each other and
6 walk forward.

7 Q. Which three leave?

8 A. Karen, Nicole, and Jewel.

9 Q. Why aren't they involved in the
10 walking long mount?

11 A. They are just not built for it.

12 Q. What do you mean by that?

13 A. Well, some kids can do back flip and
14 some can't.

15 Q. But with respect to these particular
16 elephants, what is it about them that makes them
17 not suitable for the long mount?

18 A. They are just not as agile as the
19 other ones.

20 Q. Have they ever been able to do the
21 long mount?

22 A. I'm sure they did.

1 Q. Since you have been there?

2 A. No. They do do the long mount. I'm
3 sorry, excuse me. They can do long mounts.
4 This is a walking long mount.

5 Q. I see. So it's the walking part of
6 the long mount that they can't do?

7 A. Yes.

8 Q. And have they ever been able to do the
9 walking part of the long mount since you have
10 been there?

11 A. We have never done a walking long
12 mount with them since I have been there.

13 Q. Okay. And is that because you knew
14 they weren't going to be able to do it?

15 A. No. It's like we pick the best
16 elephants for their ability and what they can
17 do.

18 Q. All right. After the walking long
19 mount, what happens next?

20 A. We leave.

21 Q. How long does that whole part of the
22 performance from the manage through the

1 conclusion of the walking long mount take?

2 A. 6 minutes and 19 seconds. It varies a
3 couple of times.

4 Q. And then are the elephants returned at
5 some point?

6 A. For the finale.

7 Q. Okay. And how long is the finale?

8 A. About 60 seconds?

9 Q. And what do the elephants do during
10 the finale?

11 A. We go in, go down the back, come up
12 the front. Four of them waltz --

13 Q. Which ones?

14 A. -- as we travel. Julie, Bonnie,
15 Kelly, and Sara.

16 Q. Mm-hmm.

17 A. As we keep traveling, and out.

18 Q. What are the names of the clowns who
19 are involved in this routine with the elephants?

20 A. All of them. And I wouldn't be able
21 to start.

22 Q. Do you know any of them?

1 A. And I know his brother works with him.

2 Q. Do you know his first name?

3 A. Doesn't come to mind right now.

4 Q. How about other elephant handlers who
5 work on the Gold Unit?

6 A. There is only two of them over there.

7 Q. How about the barn men for the Gold
8 Unit?

9 A. They are the barn men.

10 Q. Bill Morris and his brother?

11 A. His brother and his wife.

12 Q. The wife is the wife of Bill Morris or
13 the brother?

14 A. The wife of Bill Morris.

15 Q. Do you know her first name?

16 A. Libby.

17 Q. Do you know how long the Morrises have
18 worked for the Gold Unit?

19 A. No

20 Q. Okay. Have you ever been reprimanded
21 for the way you treated an animal by Feld
22 Entertainment?

1

A. No.

2

Q. Have you ever witnessed any other

3

Ringling Bros. Employee, Feld Entertainment

4

employee reprimanded for the way he or she

5

treated an elephant?

6

A. No.

7

Q. Have you ever reprimanded a Ringling

8

Bros. employee or Feld Entertainment employee

9

for the way he or she treated an elephant?

10

A. Yes.

11

Q. Who would that be?

12

A. They are no longer there.

13

Q. Who was it?

14

A. It was a newer guy.

15

Q. What was his name?

16

A. I don't recall.

17

Q. Was it Brian Clark?

18

A. No.

19

Q. You don't recall who the person is?

20

A. No.

21

Q. Would there be a written record of it?

22

A. He was not a handler.

1 Q. But there was no written record of
2 this reprimand, is that correct?

3 A. No. It wasn't severe.

4 Q. And how long had that person worked
5 for the Blue Unit?

6 A. Approximately a year.

7 Q. And you don't remember the first or
8 last name of that person?

9 A. They come and go.

10 Q. It was a male, I assume?

11 A. Yes.

12 Q. Do you know where that person is now?

13 A. No.

14 Q. Have you ever known of anyone who
15 worked for Feld Entertainment being fired for
16 mistreating an elephant?

17 A. No.

18 Q. Have you ever known of anybody whose
19 contract was not renewed for mistreating an
20 elephant?

21 A. No.

22 Q. Okay. I'm going to ask you about some

1 elephants at Feld Entertainment and ask you some
2 questions about them.

3 You have worked with Angelica, is that
4 correct?

5 A. Yes.

6 Q. And forgive me if I have asked you
7 this before, but who was responsible for
8 training Angelica to do her tricks in the
9 circus?

10 A. Gary Jacobson.

11 Q. And Angelica is currently with the
12 Gold Unit, is that correct?

13 A. Yes.

14 Q. What about Ari? Are you familiar with
15 that animal?

16 A. Ari. I'm familiar with her name, yes.

17 Q. Do you know which unit she is with?

18 A. She is at the CEC.

19 Q. Do you know how old she is?

20 A. She would be going on 4, I want to
21 say.

22 Q. Do you know her -- who her parents

1 are?

2 A. I can't recall.

3 Q. Do you know what she is doing at the
4 CEC?

5 A. Hanging out.

6 Q. Is she being trained to perform in the
7 circus?

8 A. She is pretty much already trained.

9 Q. And who is responsible for training
10 her?

11 A. Gary Jacobson.

12 Q. All right. Have you been responsible
13 for giving Ari any training at all?

14 A. No, she came and visited for a little
15 bit, but that was it.

16 Q. When was that?

17 A. Winter quarters.

18 Q. Of 2005? Last winter quarters?

19 A. 2004.

20 Q. According to my record, Ari was born
21 in April of 2005.

22 A. Okay, then.

1 I saw her when she was born.

2 Q. And she is at the CEC?

3 A. Yes.

4 Q. And as far as you know, is she being
5 trained to go out on the road?

6 A. I don't know if he started that yet.

7 Q. And he would be Gary Jacobson?

8 A. Yes.

9 Q. And what about Asha? Are you familiar
10 with Asha?

11 A. Yes.

12 Q. And do you know how old she is?

13 A. She is almost -- she is going on 4.

14 Q. And where is she?

15 A. The CEC.

16 Q. And what is she doing at the CEC?

17 A. Hanging out.

18 Q. Is she being trained to perform?

19 A. No, she is already trained.

20 Q. And she was trained by whom?

21 A. All of the youngsters were trained by
22 Gary Jacobson.

1 Q. Okay. But she hasn't been out on the
2 road yet?

3 A. She came out for a little bit, yes.

4 Q. She is the one you were speaking about
5 earlier who came to winter quarters?

6 A. Yes.

7 Q. And you think that was winter quarters
8 of '04?

9 A. Yes.

10 Q. And Bonnie we have already talked
11 about. She is on the Blue Unit, correct?

12 A. Yes.

13 Q. What about Doc? Are you familiar with
14 Doc?

15 A. Yes.

16 Q. Does he have some nicknames?

17 A. Fish.

18 Q. Fish. And where is Doc?

19 A. CEC.

20 Q. And what is he doing on the CEC?

21 A. The boy thing.

22 Q. What does that mean?

1 to be too rough with the other females, like
2 they would --

3 Q. Who made the decision to take him off
4 the Blue Unit?

5 A. All of us collectively.

6 Q. Who do you mean by all of us?

7 A. The same as I mentioned before. Gary,
8 Mr. Feld, Jim Andacht, at that time, I'm sorry,
9 Richard Froemming and myself and the general
10 manager, Jeff Steele.

11 Q. Okay. So you were consulted about the
12 decision to take Doc off the Blue Unit in 2002?

13 A. Yes.

14 Q. Do you know who Doc's mother is?

15 A. I don't recall.

16 Q. Do you know if Doc's mother was
17 traveling with the Blue Unit when Doc was
18 traveling with the Blue Unit?

19 A. She was not.

20 Q. What about Gunther? Are you familiar
21 with Gunther?

22 A. Yes.

1 Q. During that same visit, winter
2 quarters?

3 A. Yes.

4 Q. And do you know if Gunther is being
5 bred?

6 A. He is too young.

7 Q. And how old is Gunther?

8 A. About four, maybe going on five. I
9 don't recall.

10 Q. And how about Irvin? Are you familiar
11 with Irvin?

12 A. Yes.

13 Q. How old is he?

14 A. He should be going on 2.

15 Q. And where is he?

16 A. At the center.

17 Q. Is he being trained to perform as far
18 as you know?

19 A. I don't know.

20 Q. How about Gunther? Is he being
21 trained to perform?

22 A. He is already trained.

1 Q. And did Gary Jacobson train him as
2 well?

3 A. Yes, Gary broke all of the babies.

4 Q. And Juliet? You're obviously familiar
5 with her. She is on the Blue Unit. I think you
6 have told us about her.

7 A. Yes.

8 Q. What about a baby named Mable? Are
9 you familiar with that name?

10 A. Yes.

11 Q. Who is that?

12 A. She was just born.

13 Q. When was she born?

14 A. I don't recall the date.

15 Q. Is she the one that was born in April
16 of '06?

17 A. Yes.

18 Q. But does she also go by the name of
19 Burma?

20 A. Not that I know.

21 Q. Or is that a different animal?

22 A. Not that I know of.

1 Q. What year was that? You said 2003, is
2 that correct?

3 A. Yes.

4 Q. All right. And how long did Osgood's
5 visit last from start to finish?

6 A. About two to three weeks.

7 Q. All right. And do you know how old he
8 was at the time?

9 A. He would have been about 3. I don't
10 recall when he was born.

11 Q. Do you know who Osgood's mother is?

12 A. I want to say Emma.

13 Q. And did Emma accompany him when he
14 came to visit the Blue Unit?

15 A. No.

16 Q. What about P.T.? Are you familiar
17 with P.T.?

18 A. Yes.

19 Q. Okay. What -- is that P.T. Barnum?
20 Is that elephant named after P.T. Barnum?

21 A. Yes.

22 Q. And how old is P.T.?

1 same time that Romeo was?

2 A. When they were younger, yes.

3 Q. When you were working with Romeo?

4 A. No.

5 Q. Okay. Now, what about Rudy? Are you
6 familiar with Rudy?

7 A. Yes.

8 Q. Okay. And how old is Rudy?

9 A. I just answered all this. She would
10 be going on 4.

11 Q. Okay. And you said she went on the
12 road when she was fairly young, is that correct?

13 A. In 2004.

14 Q. And where did she perform?

15 A. On the Red show.

16 Q. Under Alex Vargas?

17 A. Or Pat Harned.

18 Q. Does Pat Harned work at the CEC?

19 A. Yes.

20 Q. What does he do there?

21 A. He assists Gary.

22 Q. Is he responsible for training any of

1 the elephants?

2 A. He assists Gary with everything.

3 Q. How long has he been assisting Gary at
4 the CEC?

5 A. I think he has been with the company
6 about eight years now. I'm not sure.

7 Q. And how long was Rudy traveling with
8 the Red show?

9 A. I don't recall.

10 Q. Do you have any idea?

11 A. No.

12 Q. Do you know who Rudy's mother is?

13 A. Sally.

14 Q. Was Sally traveling with the Red show
15 when Rudy was traveling with the Red show?

16 A. No.

17 Q. And you mentioned Sara before. She is
18 on the Blue Unit?

19 A. Yes.

20 Q. Correct? I think we have covered her.
21 And Shirley, are you familiar with Shirley?

22 A. Yes.

1 Q. And Shirley was on the Blue Unit for
2 some period of time, is that correct?

3 A. Yes.

4 Q. When was she on the Blue Unit?

5 A. In 2000.

6 Q. Just for a year?

7 A. I don't recall how long she was out
8 there before I came.

9 Q. So she was already on the Blue Unit
10 when you started working on the Blue Unit?

11 A. Yes, along with the other four.

12 Q. And when did she leave the Blue Unit?

13 A. About the same time Romeo did.

14 Q. Which was when?

15 A. Which was about five months into the
16 tour.

17 Q. And under what circumstances did she
18 leave the Blue Unit?

19 A. She just didn't agree with the
20 life-style.

21 Q. What do you mean by that?

22 A. Just didn't agree with the life-style.

1 She didn't get used to the train. She didn't
2 get -- you know, she just didn't get used to the
3 social life out there.

4 Q. Did she have difficulty performing her
5 routine?

6 A. No, not at all.

7 Q. And you may have answered this
8 already, but do you know who Shirley's mother
9 is?

10 A. No. I think it's Mala, but I'm not
11 sure.

12 Q. Was Mala traveling with the Blue Unit
13 when Shirley was traveling with the Blue Unit?

14 A. No.

15 Q. Now I want to ask you about a few
16 individuals and ask you if you have ever worked
17 with these individuals or know who they are.
18 And then once I'm done with that, I think we can
19 take a break for lunch.

20 A. I'm starting to rumble.

21 Q. This won't take long. Ready? Are you
22 familiar with a man named Mac McDonald?

1
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AFTERNOON SESSION

Thereupon,
2:17 p.m.

TROY METZLER

a witness, called for examination by counsel for the Plaintiff, having been previously sworn by the notary, was further examined and testified as follows:

FURTHER EXAMINATION BY COUNSEL

FOR THE PLAINTIFF:

THE VIDEOGRAPHER: We are back on the record at 2:16:52 p.m.

BY MS. MEYER:

Q. Okay. Mr. Metzler, you -- Mr. Metzler, you mentioned before we broke for lunch that Shirley had been on the Blue Unit for about five months when she was taken off the road because she didn't agree with the life-style. Do you remember that testimony?

A. Yes.

Q. How do you know she didn't agree with the life-style?

1 A. That's my, professionally my job to
2 know what elephants like and dislike and what
3 their needs are and their general care and what
4 keeps them healthy.

5 Q. How did the fact that she didn't agree
6 with the life-style manifest itself in her
7 actions or behavior?

8 A. She would never relax. She would
9 never be at ease with certain things.

10 Q. Like what?

11 A. So -- the walk to the train. Simple
12 things that you would stop before it could
13 escalate to possibly something else.

14 Q. Like what?

15 A. Running off, you know, like a dog will
16 when it's nervous or a horse or anything else.
17 So to prevent anything like that happening, you
18 know, we tried before and she just wouldn't --
19 just wasn't something that she was probably
20 going to get used to.

21 Q. Okay.

22 A. Not for sure.

1 Q. Other than the walks from the train,
2 what else did she do that made you think that
3 she didn't --

4 A. Dancers --

5 Q. Let me just finish the question.

6 What else did she do that made you
7 think that she didn't like the life-style?

8 A. Dancers wear big costumes. At that
9 time we had a man that got in a big uniform kind
10 of thing like a robot that was 9 feet tall.
11 Those kind of things that are part of the show.

12 Q. And how would she act around that
13 individual that made you think that she didn't
14 agree with the life-style?

15 A. It wasn't the individual. It would be
16 around certain objects and things. And she
17 would be antsy. They all show it in different
18 ways. They all have different personalities.
19 So...

20 Q. But just talking about Shirley. I'm
21 just interested in what kinds of behavior she
22 manifested that made you think that she didn't

1 agree with the life-style?

2 A. Big eyes. She would never settle.

3 Q. And how did you deal with that?

4 A. We sent her to the CEC.

5 Q. Before you sent her to the CEC?

6 A. We would practice and calm her down
7 and reassure her with carrots or apples or jelly
8 beans, anything that we could find that might be
9 her favorite to reassure her that everything was
10 cool. The boogeyman under the bed.

11 Q. Now, at the time that you sent her to
12 the CEC because you determined she didn't agree
13 with the life-style, had Benjamin already died?

14 A. Yes.

15 Q. And who was Benjamin?

16 A. A little male elephant.

17 Q. And was Benjamin significant in
18 Shirley's life?

19 A. That was before my time.

20 Q. Do you know whether or not Benjamin
21 and Shirley traveled together in the circus?

22 A. As far as I know, they did, yes.

1 Q. And do you know whether or not they
2 had traveled together since they were very young
3 elephants?

4 A. That I do not know.

5 Q. And do you know how soon after
6 Benjamin died that Shirley was manifesting these
7 behaviors that made you think she didn't agree
8 with the life-style?

9 A. Shirley has always been like that,
10 from what I'm told.

11 Q. Okay. Well, the five-month period
12 that you are talking about in the Blue Unit
13 occurred when?

14 A. 2000.

15 Q. Okay. Do you know when Benjamin died?

16 A. I don't recall. I wasn't working for
17 the company then.

18 Q. And when in 2000 were those five
19 months?

20 A. I'm sorry?

21 Q. What part of the year were those five
22 months?

1 A. The first.

2 Q. In 2000 -- so January through May of
3 2000?

4 A. Around the onset. I really don't
5 recall. It was a new undertaking for me and
6 lots of responsibility and lots of work.

7 Q. Did it ever occur to you that perhaps
8 one of the reasons Shirley might be so antsy and
9 not agreeing with the life-style is because she
10 was mourning the loss of Benjamin?

11 A. Not whatsoever.

12 Q. That never occurred to you?

13 A. That wouldn't be the case.

14 Q. Did you investigate that possibility?

15 A. No, but knowing elephants and being
16 around elephants a long time, I don't believe
17 that that would trigger anything like that.

18 Q. Is it your position that elephants do
19 not mourn the deaths of elephants to whom they
20 are close?

21 A. That is a human emotion. They do
22 recognize their offspring or part of the herd

1 that has deceased, definitely.

2 But as far as -- I don't know what
3 your definition of mourning is as far as animals
4 go. I don't think they have the same as we
5 would.

6 Q. Okay. Is it your position that a
7 young elephant would not be negatively impacted
8 by the death of another young elephant with whom
9 she had been traveling?

10 A. Not for a long period of time, no.

11 Q. What do you mean not for a long period
12 of time?

13 A. They don't mourn like us. They do not
14 recognize like that. They do not have those
15 human emotions.

16 Q. I'm not asking about human emotions.
17 I'm asking if it's your position that the death
18 of Benjamin would not have had any negative
19 impact on the behavior of Shirley.

20 A. Definitely not.

21 Q. Okay. And you didn't explore that
22 possibility with any experts, did you?

1 A. I consider myself an expert.

2 Q. Other than yourself?

3 A. With my peers, yes, and it would not
4 affect them to that manner.

5 Q. You consulted others about whether or
6 not Shirley was having problems with the
7 life-style because of the death of Benjamin?

8 A. No, that's not what I said.

9 Q. Well, I'm asking you if you did.

10 A. No, not directly towards Shirley, but
11 in elephants in general when other elephants
12 have passed on.

13 Q. Okay. I'm just talking about Shirley
14 right now.

15 A. Right.

16 Q. And I'm asking you whether or not when
17 Shirley was exhibiting behaviors that you
18 interpreted as her not agreeing with the
19 life-style, you consulted with any other
20 elephant experts about what could be causing
21 those behaviors.

22 A. Other than she's always been a nervous

1 elephant since she has been little like Juliet,
2 like Juliet's sister Sara, like Angelica. It is
3 something, a characteristic that they bring on
4 from their parents like you would.

5 Q. No, I'm asking you a very specific
6 question. Did you consult with any individuals
7 about the fact that Shirley exhibited behaviors
8 that indicated to you that she did not agree
9 with the life-style in order to determine what
10 could be causing those behaviors?

11 A. Yes, I did consult.

12 Q. Who did you consult with?

13 A. With Gary, Charlie Gray, and people
14 that I talk with, my peers. We consult with
15 everything that -- any kind of -- not a problem,
16 but behavior that may be different.

17 Q. Okay. You remember specific
18 conversations you had with Gary Jacobson about
19 the cause of the behaviors that Shirley was
20 exhibiting that indicated to you that she did
21 not agree with the life-style?

22 A. Not any specifics, no.

1 Q. But you remember discussing it with
2 them?

3 A. In general, yes.

4 Q. What do you remember about that
5 discussion?

6 A. Talking about what might be doing it,
7 what might be making her react like that. She
8 has always been like this. She was brought back
9 into a heard of young elephants.

10 Q. Did the fact of Benjamin's death come
11 up in that discussion?

12 A. No.

13 Q. And do you remember specific
14 conversations with Charlie Gray about -- about
15 Shirley's behavior indicating to you that she
16 didn't agree with the life-style?

17 A. No specifics. We talk elephants
18 anytime we talk.

19 Q. So you don't -- did you have any
20 discussions with Charlie Gray about whether or
21 not the death of Benjamin could be responsible
22 for Shirley engaging in those behaviors?

1 itinerary. You say you start in January and
2 usually finish end of --

3 A. The first year we would finish in
4 December. The second year we would finish in
5 November.

6 Q. You said the first year, second year.
7 What do you mean by that?

8 A. I think a two-year tour.

9 Q. I see.

10 A. So every two years a new show is put
11 together.

12 Q. Thank you. And when you say a new
13 show is put together, that is done at winter
14 quarters?

15 A. In Tampa, yes.

16 Q. So you said the first year starts in
17 January and ends --

18 A. In December.

19 Q. In December. So would that mean that
20 your Blue Unit would be on the road for
21 approximately 48 weeks?

22 A. Not -- we may be on the road 48 weeks,

1 but a lot of venues we play for two weeks, and
2 there's a couple of times that we are two weeks
3 off in a place.

4 Q. Where are those venues where you are
5 off for two weeks?

6 A. That varies from place to place. It
7 is up to tours and routing.

8 Q. Have you had any such times during the
9 last -- this year since January of '06, where
10 the circus has been off for two weeks at a
11 particular venue?

12 A. No.

13 Q. I'm sorry?

14 A. No.

15 Q. And as far as you know, do you have
16 any such time scheduled in the near future where
17 the circus will be off for two weeks at a
18 particular venue?

19 A. Not that I know of.

20 Q. And from Columbia, South Carolina,
21 where does the Blue Unit go?

22 A. Ma'am, I have no idea. I only know

1 Q. Do you know what he is doing?

2 A. No, I don't.

3 Q. And you mentioned Pat Harned in your
4 testimony. Who is Pat Harned?

5 A. As I mentioned before, he was Gary's
6 assistant.

7 Q. How long has he been Gary's assistant?

8 A. I think he has been with the company
9 for about eight years.

10 Q. Has he been Gary's assistant for all
11 eight years?

12 A. I'm not for sure.

13 Q. Has he been Gary's assistant since you
14 started working for Feld Entertainment?

15 A. He has worked -- yes, he has worked
16 with the babies and Gary, yes.

17 Q. And what are his duties when you say
18 he is Gary's assistant?

19 A. It would be the same as my assistant,
20 same animal husbandry, as we all do.

21 Q. Does he also have ability in assisting
22 Gary Jacobson in training the baby elephants?

1

A. Yes.

2

Q. Do you know where Pat Harned received his training from?

3

4

A. No, I don't.

5

Q. And where does he currently work?

6

A. The CEC.

7

Q. But you don't know when he started working at the CEC?

8

9

A. No. Like I said, I think he has been with the company for about eight years.

10

11

Q. Does he have a title as far as you know?

12

13

A. No, not that I know of.

14

Q. And do you know who Katya Harned is?

15

A. His wife.

16

Q. Does she also work for Feld Entertainment?

17

18

A. I don't believe so.

19

Q. Did she ever work for Feld Entertainment, as far as you know?

20

21

A. Not that I know of.

22

Q. Do you know when they got married?

1 A. No.

2 Q. Do you know where he lives?

3 A. No.

4 Q. What about Sasha Houcke? Who is he?

5 A. He is the presenter of the elephants.

6 Q. Is he the head presenter?

7 A. Yes.

8 Q. How long has he been doing that?

9 A. Most of his life.

10 Q. He has been the head presenter of the
11 Red Unit of Feld Entertainment for most of his
12 life?

13 A. No, with elephants.

14 Q. I'm sorry. How long has he been the
15 head presenter of the elephants with the Red
16 Unit at Feld Entertainment?

17 A. He has been here four years I want to
18 say.

19 Q. And where did he work before he came
20 to Feld Entertainment?

21 A. Somewhere in Europe.

22 Q. Do you know where?

1 A. I do not.

2 Q. Have you ever used a bullhook to
3 discipline an elephant?

4 A. I have corrected elephants with
5 bullhooks, yes.

6 Q. And what do you mean by that?

7 A. If they are doing something wrong,
8 fighting, things of that nature.

9 Q. And how do you correct them with the
10 bullhook?

11 A. There's various ways. It depends on
12 what they are doing. It depends on the
13 situation.

14 Q. Well, let's go through the situation.
15 You said if they are fighting.

16 How would you correct an elephant with
17 a bullhook if it was fighting?

18 A. You back them up away from each other
19 and bop them on the head. Depends on the
20 severity of the confrontation.

21 Q. Okay. And when you say you would bop
22 them on the head, with what end of the bullhook

1 A. Depending on where you are with the
2 elephant.

3 Q. Okay. Would you ever use the hooked
4 part of the bullhook behind an ear of the
5 elephant?

6 A. Maybe on the jaw, which may look
7 behind the ear, but not behind the ear.

8 Q. You would never use the hooked part of
9 a bullhook behind the ear of an elephant?

10 A. It shouldn't be necessary.

11 Q. When would you use the hooked part of
12 a bullhook on the upper jaw of an elephant?

13 A. Going forward. Their head has got to
14 go forward before their body will go forward.

15 Q. Okay. Under what circumstances would
16 you need to use the hooked part of the bullhook
17 to make an elephant's head go forward?

18 A. If you're asking them to move up and
19 they weren't.

20 Q. And then how would you use the hooked
21 part of the bullhook to make them move forward?

22 A. I just answered that question.

1 MS. JOINER: Objection to form.

2 THE WITNESS: I have seen them bop
3 them on the head with the handle part, yes.

4 BY MS. MEYER:

5 Q. Do you know what the word strike
6 means?

7 A. It's got a couple of different
8 variations. I'm not sure what you mean by it.

9 Q. What does it mean to you?

10 A. To strike a match. To strike would be
11 out of anger in my opinion.

12 Q. Have you ever seen anybody use a
13 bullhook to hit an elephant with force?

14 A. Bop them on the head, yes, I have,
15 with the handle part, yes.

16 Q. Have you ever seen anybody use the
17 hooked part of a bullhook to hit an elephant
18 with force?

19 A. No.

20 Q. Now, you also said that you use the
21 bullhook to guide the elephants, is that
22 correct?