

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 :

: Case No.

vs. : 03-2006(EGS/JMF)

:

FELD ENTERTAINMENT, INC. :

:

Defendant :

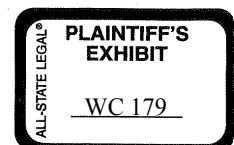
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Washington, D.C.
December 2, 2008

Videotaped Deposition of:

DANIEL RAFFO,
called for oral examination by counsel for
Plaintiffs, pursuant to notice, at the offices
of Meyer Glitzenstein & Crystal,
1601 Connecticut Avenue, N.W., Suite 700,
Washington, D.C., before Lynell C.S. Abbott, a
Notary Public in and for the District of
Columbia, beginning at 10:04 a.m., when were
present on behalf of the respective parties:



1
2 On behalf of the Plaintiffs:

3 BY: KATHERINE MEYER, ESQ.

3 BY: WILLIAM EUBANKS, ESQ.

4 Meyer Glitzenstein & Crystal
4 1601 Connecticut Avenue, N.W.
5 Suite 700
5 Washington, D.C. 20009
6 (202)588-5206
6

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

8 BY: JOHN SIMPSON, ESQ.

9 BY: MICHELLE C. PARDO, ESQ.

9 Fulbright & Jaworski, LLP,
10 801 Pennsylvania Avenue, N.W.
10 Washington, D.C. 20004
11 (202)662-0200
11

12 and

13 BY: JULIE ALEXA STRAUSS, ESQ.

13 Feld Entertainment, Inc.
14 8607 Westwood Center Drive
14 Vienna, Virginia 22182
15 (703)448-4065
15

16 Also Present:

17 David Voigtsberger, Videographer
17 Maria-Raquel McFadden, Interpreter
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C O N T E N T S

WITNESS: DANIEL RAFFO

EXAMINATION BY:	PAGE
MS. MEYER	8
MR. SIMPSON	190

EXHIBITS (Attached)

DEPOSITION NO.	MARKED FOR IDENTIFICATION
1. Letter, 11/26/08, Attachment	8

1 the Plaintiffs.

2 MR. EUBANKS: Bill Eubanks, also
3 for the Plaintiffs.

4 MR. SIMPSON: John Simpson, for
5 Defendant and for the witness.

6 MS. PARDO: Michelle Pardo, for
7 the Defendant and the witness.

8 MS. STRAUSS: Julie Strauss, Feld
9 Entertainment.

10 VIDEOGRAPHER: Would the court
11 reporter please swear in the witness.

12 (Whereupon the interpreter was
13 sworn by the reporter.)

14 Whereupon,

15 DANIEL RAFFO

16 was called for examination by counsel and,
17 having been duly sworn by the Notary, was
18 examined and testified as follows:

19 INTERPRETER: I'd like to clarify
20 for the interpreter -- this is the interpreter
21 speaking. Would you like all the questions
22 interpreted or only on as-needed basis?

1 to work the lions for Mr. Chipperfield.

2 Q. And did he work with lions for Mr.
3 Chipperfield at the same time you were working
4 with the three elephants and tigers for Mr.
5 Chipperfield while you were in Europe?

6 A. We never worked together, no.

7 Q. All right. Did Mr. Rider have any
8 supervisor other than you when you went to
9 Europe?

10 A. Well, Mr. Chipperfield, he never
11 was there. So I was in charge. I was the guy
12 that told Tom Rider what to do.

13 Q. Got it. Okay, thank you. And did
14 you have the authority to fire Mr. Rider if he
15 didn't do what you told him what to do?

16 A. Well, I got authority to say, you
17 know, he's no good for the job, he can't do
18 the job right, so --

19 A. (Through interpreter): Well, I
20 had the ability to say whether he should
21 remain on his job or not, because I was the
22 supervisor. I could tell Mr. Chipperfield

1 that he was not doing his job well or that he
2 was not good and that he would need to get
3 another person.

4 Q. Where did the boat that you took
5 to Europe with the three elephants and the
6 tigers leave from?

7 A. Oh, man. I think it was someplace
8 in Florida. I can't remember the town, the
9 name.

10 Q. Could it have been South Carolina?

11 A. Maybe Carolina. I'm not sure.

12 Q. All right. And do you remember
13 how long the trip took from the United States
14 to Europe?

15 A. About ten days.

16 Q. And do you remember what month you
17 were traveling on the boat from the United
18 States to Europe?

19 A. Between November and December, I
20 think.

21 Q. So we're talking about
22 November/December 1999. Is that correct?

1 contract changed, how did the contract -- how
2 did the change in the contract affect your
3 dealings with the two young tigers that we're
4 talking about?

5 A. I mean in English I say contract,
6 I was wrong to say contract. It was not
7 contract. The plan changed.

8 Q. Okay.

9 A. So in that time I didn't know what
10 I was going to do, if I was going to stay here
11 with my wife, if my wife didn't want to go to
12 Europe, and blah-blah-blah. It was a family
13 thing, you know. So it was not a contract
14 like a contract on paper or anything like
15 that. It was just a plan, you know.

16 Q. But once you were over in Europe
17 and you had those two young tigers with you,
18 why didn't you incorporate them into the act?

19 A. I was there only in the beginning
20 since I arrived in the act -- you see, it take
21 a long time to put tigers inside together with
22 the other ones. Two, three years sometimes

1 maybe in these days. Many, many years ago it
2 was a completely different system than we use
3 today, completely different.

4 So now it take about two or three
5 years to train a tiger before you can put him
6 in the show, you know. And I been in Europe
7 only for a month and a half, so there's no way
8 you're going to put those two tigers inside
9 with the other ones. There's no way.

10 Q. What would have happened if you
11 would have put them in with the other tigers?

12 A. You could have big problems, big
13 fights. They can jump on you because, you
14 know, they can jump on you, hurt you, you
15 know. So you have to take it slow, take your
16 time so they get used to everything around, so
17 they get used to you and the other tigers,
18 too. There's many, many reasons.

19 Q. Okay. So you are saying you
20 didn't have time to train those two young
21 tigers to be in with the other tigers. Is
22 that correct?

1 A. A month and a half is no way time
2 for to do that.

3 Q. So how did it come about that this
4 vet arrived on the scene in Germany?

5 A. Well, Dickie called me to say he
6 going send someone to pick up those two
7 tigers. So he told me, "A doctor going to
8 arrive to take those two tigers away." So the
9 guy have a place for those tigers. So he
10 came, took them away. That's it.

11 Q. Where did the veterinarian take
12 the two tigers, do you know?

13 A. I think that was in -- I'm not
14 sure what town it was. Maybe Frankfurt, maybe
15 another town, I don't know. I can't remember.

16 Q. Do you know what he was going to
17 do with them?

18 A. No idea. Only he going to take
19 them away to some park or something like that.
20 That's what I hear.

21 Q. Do you know the names of those
22 tigers?

1 A. One was India and the other one
2 was Van Damme.

3 Q. What was the name?

4 A. Like Jean-Claude Van Damme, you
5 know, Van Damme?

6 Q. Van Damme?

7 A. Yeah.

8 Q. So you don't know what happened to
9 those two tigers. Is that correct?

10 A. No, I don't.

11 Q. Do you remember the name of the
12 veterinarian --

13 A. No.

14 Q. -- who took the tigers?

15 A. He was only there for a little
16 bit, picked up the tigers and left. I don't
17 know the guy.

18 Q. Do you remember any conversations
19 you had with Mr. Chipperfield about those two
20 tigers being taken?

21 A. He called me. He told me he going
22 to send someone to pick up those two tigers.

1 That was the conversation that we have, me and
2 Chipperfield.

3 Q. Did you ask him to send someone to
4 take the two tigers?

5 A. Oh, no, of course not. Of course
6 not. They're his tigers. He can do whatever
7 he wants, right?

8 Q. Right. Did he know that you
9 weren't using the tigers in the act?

10 A. He knows in that time that the act
11 was only eleven tigers. So he take those two
12 tigers away because there was no place for the
13 animals. The act was good enough to keep only
14 eleven tigers there. So there was not really
15 time to train those animals. You do your work
16 five days here, five days there, then you
17 stop. So there's no time to train or anything
18 like that, so.

19 Q. Did Mr. Rider continue to work for
20 you while you were at the Circus Barelli in
21 Frankfurt?

22 A. He worked with me in Circus

1 Barelli in Frankfurt, yes.

2 Q. And at some point did Mr. Rider
3 leave?

4 A. I woke up one morning, he was
5 gone.

6 Q. Do you remember when that was?

7 A. That was the day before he asked
8 me for extra money --

9 Q. I'm sorry. Say that again?

10 A. I'm explaining to her.

11 Q. Oh, okay.

12 A. (Through interpreter): I lent him
13 some money. I had just paid him, and he said
14 that he needed a couple hundred dollars more.
15 And he said, you know, that I could take it
16 off from his salary from in the future. And I
17 gave him the money. And I woke up the next
18 day and he was gone.

19 Q. Was this after the veterinarian
20 had come and taken the two tigers away?

21 A. I think so. I think so.

22 Q. Do you remember how soon after

1 did you go next with the tigers?

2 A. I went to Germany many times back
3 and forth.

4 Q. Oh, okay.

5 A. When we went.

6 Q. All right. So did you continue to
7 do a tiger act throughout Europe for some
8 period of time?

9 A. Yes.

10 Q. How long did you do your tiger act
11 throughout Europe?

12 A. The whole time.

13 Q. When did you stop doing your tiger
14 act in Europe?

15 A. When I have a break, some break in
16 the winter, early winter and stuff.

17 Q. Where are you employed now?

18 A. Sorry?

19 Q. Where are you employed now?

20 (Translation provided.)

21 A. (Through interpreter): Where am I
22 working now?

1 Q. Yes.

2 A. At Ringling Brothers.

3 Q. When did you get a job at Ringling
4 Brothers?

5 A. They offered me a contract to come
6 back to Ringling Brothers for the season

7 2008-2009. So we talk about it, you know, "I
8 want you back over there. Can you come?" So
9 I say okay. I'm interested, so I come to the
10 States to work again in Ringling Brothers.

11 Q. Who did you talk to about coming
12 back to Ringling Brothers?

13 A. Again, Tim Holtz.

14 Q. And who initiated that discussion,
15 you or Mr. Holtz?

16 A. What discussion?

17 Q. About you coming back to Ringling
18 Brothers.

19 A. Well, he came to me. See, Tim,
20 Mr. Holtz, he travel all around the world
21 looking for performers, any kind, trapeze,
22 clowns, whatever, you know. So time to time I

1 A. No. Some are still Chipperfield's
2 old tigers, so.

3 Q. Okay.

4 A. I got new ones. I have, maybe
5 half of them are new.

6 Q. And what happened to the old
7 tigers?

8 A. Two of them, one have a heart
9 attack. He got a problem, something with a
10 tumor or something inside, I don't know. And
11 the other one was, was some ribs, eating ribs
12 and a piece of bone got stuck inside.

13 A. (Through interpreter): So he
14 choked on that.

15 A. I don't know.

16 Q. What were the terms of the
17 contract that you obtained from Ringling
18 Brothers to come back for the 2008 season?

19 (Translation provided.)

20 A. To present my tigers.

21 A. (Through interpreter): To present
22 my tigers.

1 Q. Okay. And is it for the Blue
2 Unit?

3 A. For the Blue Unit, yes.

4 Q. And what is your title?
5 (Translation provided.)

6 A. I'm the tiger man? I don't know.
7 I'm the tiger man from the show. I mean
8 that's my title over there.

9 Q. And what is your salary?

10 A. My salary.

11 Q. Yes.

12 A. You know, it's always different.

13 Sometimes you have some time off, I don't get

14 paid. So the more you work, the more you get

15 paid. So, you know, there's always a

16 difference in that. So I don't know how I can

17 answer that, I mean, you know.

18 Q. Well, did you work out how much

19 you would be paid before you decided to come

20 back?

21 A. Yes, I do.

22 Q. And what did you work out?

1 A. What I work out. Well, I work out
2 a package because my wife, she also work in
3 the show. So she have a salary. And I am not
4 going to talk about her salary because she got
5 nothing to do with the tigers. So in the
6 tiger act we have an agreement for the salary
7 for the tiger act.

8 Q. Okay.

9 A. So.

10 Q. What is that?

11 A. About -- because it always change,
12 okay? About, let me see. Over, a little bit
13 over maybe, over 100,000 a year.

14 Q. How much over \$100,000 a year?

15 A. How much exactly, I can't tell you
16 that. I don't know.

17 Q. When you say over \$100,000 a
18 year --

19 A. Over. It can be 5,000 more. It
20 can be 7,050 more. I cannot tell you exactly
21 how much more.

22 Q. How is it determined how much more

1 it would be?

2 A. See, sometimes we stop for five
3 weeks. So these five weeks I don't get paid.
4 And I don't know before we're going to stop
5 for five weeks. And during the year sometimes
6 you lose days, you lose two days you don't
7 work in the show. It's always a couple
8 hundred, a couple thousand more difference,
9 you know. So it's a little bit over 100,000.

10 Q. Do you have a written contract
11 with Ringling Brothers?

12 A. We have a contract.

13 Q. Is it in writing?

14 (Translation provided.)

15 A. (Through interpreter): Yes.

16 Q. And what does it say about how it
17 will be determined how much you will be paid?

18 A. They pay you if you work, they pay
19 you, of course. If you don't work, they don't
20 pay you. Right?

21 Q. Does it say how much they will pay
22 you if you work?

1 tool.

2 In this case with the elephant,
3 it's the hook. I call them tool, too, right?
4 But not before like you want an animal to come
5 here. Any tiger act or lion act you see
6 before, many years ago, used to always push
7 the animal to do stuff, like I say.

8 Now you see my animals, they come
9 to me. They come to me because they trained
10 to to come to me. I never touch one of my
11 guys, never. If I touch, I touch them like
12 that. They feel nothing. Only make signs.
13 Why? Because I practice, I mean I practice
14 every day two or three hours a day and do the
15 show for seven minutes. That's my job.

16 Q. Do you know how long the elephant
17 performance is right now on the Blue Unit?

18 A. It's not too long. It's sometimes
19 six, seven minutes maybe.

20 Q. What is your basis for saying that
21 the elephant act on the Blue Unit is only
22 about six or seven minutes long?

1 A. It's about that time, the act.

2 It's not long now. You just go in and do the
3 stuff you do, the spindle stops. It's more
4 dancing around and girls dancing around and
5 tricks and stuff.

6 Q. Do you have occasion to actually
7 observe the elephant act?

8 A. From time to time I watch the act,
9 because my wife is there. So I see the act.

10 Q. Can you describe the act, the
11 elephant act to me that's used on the Blue
12 Unit right now?

13 A. They come in. They go around.
14 They go around. They go to the spindles.
15 They turn the spindles. They go in the top.
16 They sit up. It's very short. They lay down.
17 Everybody lay down and sit up in the floor.
18 And after that they go around and do a long
19 mount.

20 Q. A long mount?

21 A. Yeah, and that's it.

22 Q. Okay.

1 A. I never see that.

2 Q. Did you ever see anyone use a bull
3 hook during that same time frame to leave a
4 mark on an elephant's skin?

5 A. No, I don't.

6 Q. Now, Ms. Meyer asked you some
7 questions about the time period when Mr. Rider
8 worked with you in Europe in 1999 and 2000.
9 Do you remember that?

10 A. Mmm-hmm.

11 Q. During that time frame, 1999/early
12 2000, did Mr. Rider ever complain to you about
13 how the elephants were being treated?

14 A. He never complained, never said
15 anything.

16 Q. Did you ever hear that Mr. Rider
17 had complained to anyone else about how the
18 elephants were being treated during the time
19 period in which he worked with you in Europe?

20 A. I never hear that. And I'm sorry,
21 I have to say if I hear anything like that
22 from him, for sure he going to be the last

1 person I'm going to bring with me to Europe to
2 work for me. I mean, you know, it's not -- I
3 never hear anything like that from him.
4 Otherwise, he would stay here, whatever.

5 Q. When Mr. Rider worked with you in
6 Europe, how would you characterize his job
7 performance?

8 A. As a barn watch.

9 Q. And did he do a good job or a bad
10 job?

11 A. He was okay. He was a little lazy
12 guy. Always with him to push him, you know.
13 He was a big mouth all the time, like, you
14 know, blah-blah, blah-blah. So he always was
15 a little bit lazy to put the trailer up and
16 down for the elephants or he always was -- a
17 job can take a half an hour, because of him it
18 take an hour and a half or two hours to put it
19 up. It was me and my wife sometimes handling
20 the stakes, you know. He was a little lazy
21 guy, so.

22 Q. When you were with the Blue Unit