

**Plaintiffs' Designations of Deposition Testimony for Wildlife Advocacy Project**  
**Rule 30(b)(6) Witness Eric Glitzenstein (Dec. 21, 2007)**

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS, et al.

Plaintiff

vs.

FELD ENTERTAINMENT, INC.

Defendant

Case No.  
03-02006

Washington, D.C.  
Friday, December 21, 2007

Videotaped Deposition of:

THE WILDLIFE ADVOCACY PROJECT  
Designated Representative  
ERIC R. GLITZENSTEIN,

called for oral examination by counsel for  
Defendant, pursuant to notice, at the offices  
of Fulbright & Jaworski, LLP, 801 Pennsylvania  
Avenue, N.W., Washington, D.C. 20004, before  
Lynell C.S. Abbott, a Notary Public in and for  
the District of Columbia, beginning at 9:32  
a.m., when were present on behalf of the  
respective parties:

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C O N T E N T S

WITNESS: ERIC R. GLITZENSTEIN

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1 receipts?

2 A. When we reviewed his receipts.

3 Q. When you reviewed his receipts in  
4 connection with preparing for today?

5 A. No. I've seen that in the past  
6 when we provided -- I've seen it when I've  
7 gone over his receipts in the past.

8 Q. Have you had any discussions with  
9 Mr. Rider, you or anyone at WAP -- have you or  
10 anyone at WAP had any discussions with Mr.  
11 Rider regarding his use of funds provided by  
12 WAP to purchase DVDs?

13 A. No.

14 Q. Have you given Mr. Rider any  
15 instructions, have you or anyone at WAP given  
16 Mr. Rider any instructions as to what he could  
17 or could not spend the money on?

18 A. We don't provide instructions. We  
19 -- in fact, it's our understanding in dealing  
20 with Mr. Rider that we are not to give him  
21 instructions. These are grants that we  
22 provide to him to carry out a project that we

1 have decided is consistent with the mission of  
2 the organization.

3 We see the receipts in order to  
4 assure ourselves and the people who are  
5 providing funding that he's engaged in a good  
6 faith, conscientious effort to carry out a  
7 public education campaign. So we're not in  
8 the business of giving him particularized  
9 instructions as to how he spends the money.  
10 But we do assure ourselves that he is, in  
11 fact, engaged in a good faith public education  
12 campaign. And that's basically how we have  
13 interacted with him.

14 Q. How specifically do you assure  
15 yourself that he is spending the money in a  
16 way that is consistent with the organization's  
17 mission?

18 A. Well, a couple of ways. First of  
19 all, Ms. Meyer does have routine discussions  
20 with him in order to understand what he's  
21 intending to do and how he is intending to do  
22 it. No. 2, perhaps the most important way is



1 basically what I would call a performance  
2 standard, which is consistent with our view of  
3 this kind of and related activities, and that  
4 is we see what he's able to do.

5 We see that he has generated a  
6 considerable amount of media over the course  
7 of time. In my personal estimation, having  
8 been a public interest advocate for many  
9 years, he's generated an extraordinary amount  
10 of media over the years, frankly, more so  
11 than, again, based upon my involvement in this  
12 public interest advocacy for many years,  
13 high-priced media outfits.

14 And so I'd say our most important  
15 way of evaluating it is just by seeing the  
16 product, seeing that he, in fact, gets long  
17 stories done. He convinces reporters to do  
18 important pieces that shed light on abuses at  
19 Ringling Brothers and the plight of circus  
20 animals generally. And that is consistent  
21 with the organizational mission.

22 And since it's consistent with the

1 organizational mission, it's clear to us that  
2 as a whole he's doing what he says he's doing.  
3 So that's, I'd say, perhaps the most important  
4 way we assure ourselves that he's carrying out  
5 what we hoped he would carry out and expect  
6 that he would carry out.

7 I'd say the third way is by  
8 reviewing receipts from time to time just in  
9 order to make sure that our overall  
10 understanding is consistent with what we see  
11 in the receipts. And so when we see receipts  
12 that show purchases of birch beer which he  
13 drinks, van repairs which he needs to stay on  
14 the road, gasoline purchases, eating food, and  
15 yes, once in a while even watching a video,  
16 that doesn't terribly disturb us as long as we  
17 believe, which we do, that he is engaged in a  
18 good faith, conscientious and, in fact, in my  
19 estimation, Herculean public education  
20 campaign.

21 Q. Is it WAP's understanding that Mr.  
22 Rider incurs exactly the amount of money and

1 minutia would be inconsistent with the nature  
2 of our relationship.

3 And so we have periodically asked  
4 for receipts in order to evaluate whether he  
5 is continuing to do what we think he should be  
6 doing in line with the organizational mission.  
7 And I assume that's what we'll continue to do.

8 Can I give you a specific  
9 guarantee that we'll ask for the receipts for  
10 that particular project according to a  
11 particular schedule? No, I can't do that.

12 Q. How did WAP decide to send Mr.  
13 Rider \$1,000 as opposed to a different amount?

14 A. That has been a function of our  
15 understanding over the course of time as to  
16 what he needs in order to survive while he  
17 engages in the public education campaign and  
18 so that he can pursue the public education  
19 campaign. So it's a sense of what an  
20 appropriate grant would be for someone who is  
21 doing what he's doing, trying to be on the  
22 road, the necessity to purchase gas when he's

1 on the road, the necessity to pay for food and  
2 other life supporting activities. To some  
3 degree it's been a function of the  
4 availability of resources.

5 As you know from the materials  
6 that we provided to you, we do have  
7 individuals and organizations around the  
8 country who are interested in supporting his  
9 public education work because they believe  
10 it's very important. And so to some degree  
11 it's been a function of what we could provide  
12 to him.

13 So I'd say it's a confluence of  
14 what he needs in order to survive while he  
15 does an activity we regard as quite essential  
16 to the overall campaign on behalf of circus  
17 animals and the availability of resources.

18 Q. Did Mr. Rider ever ask you to send  
19 him \$1,000?

20 A. Mr. Rider has made it clear when  
21 he needs funds in order to continue his  
22 activities. On this particular one whether he

1       called up and said, you know, "I need \$1,000,"  
2       I mean as you can see from these records, our  
3       approach at least in the recent years has been  
4       to, you know, generally provide, I think it's  
5       generally been around \$1,000 every two weeks,  
6       which has been our understanding with him as  
7       to what he needs in order to survive while he  
8       does his public education campaign.

9               Q.       Mr. Glitzenstein, you testified  
10       that this was based on some sort of evaluation  
11       that WAP had conducted to figure out how much  
12       money Mr. Rider would need to conduct the kind  
13       of campaign you think he's conducting. Is  
14       that right?

15              A.       Yes.

16              Q.       Did WAP review the expenses  
17       incurred by anyone else conducting an  
18       allegedly similar campaign?

19              A.       I'm not quite sure what the word  
20       "review" means. I can answer the question in  
21       the following way: We are familiar with what  
22       it costs to hire public relations firms. And

1 the amount we give to Mr. Rider is a pittance  
2 compared to that. In our estimation, and  
3 we've made this estimation based upon public  
4 interest advocates over the years, the amount  
5 of money we are giving to Rider relative to  
6 the media that he's produced is an  
7 extraordinarily cost efficient investment.

8 And so certainly relative to the  
9 amount of money that one would spend on media  
10 and public relations activities, it is our  
11 sense that that is not only a reasonable but a  
12 bargain, quite frankly, from that standpoint.  
13 And the other thing I would say is that we  
14 have worked with people in the past who have  
15 engaged in similar kinds of activities, and my  
16 sense is that we paid them more than we pay  
17 Mr. Rider.

18 Q. I'm not sure results had anything  
19 to do with the question. The question was did  
20 WAP ever conduct an analysis of what it costs  
21 someone to -- costs, not results, costs, what  
22 it costs someone to conduct the same kind of

1 number of minutes that he spends. Given the  
2 nature of our relationship with him, our  
3 understanding is that he does what he can  
4 reasonably do in order to contact reporters  
5 and talk to reporters and make phone calls and  
6 send e-mails.

7 You know, there's going to be a  
8 limit to the number of things that you can  
9 reasonably accomplish. If you call reporters  
10 and they don't call you back, then there's a  
11 limit to what you can do. You send e-mails  
12 and they don't respond, there's a limit to  
13 what you can do. Our understanding has always  
14 been that he is engaging in a reasonable  
15 effort. And in terms of the precise number of  
16 time, I don't think we can say on a day-to-day  
17 basis exactly how much time he's spending.

18 Q. Has WAP ever asked Mr. Rider  
19 approximately how much time he's spent on  
20 alleged media work?

21 A. Yes. And we have asked him to the  
22 extent of understanding what he's doing with

1 his day, and he has always assured us that he,  
2 every day he spends a significant amount of  
3 time trying to contact media either in the  
4 city where Ringling is and the objective of  
5 this project has always been to have him in  
6 that city as much as humanly possible.

7 When it hasn't been possible, then  
8 our understanding is that he spends a  
9 significant amount of time every day  
10 attempting to contact media. And we wouldn't  
11 be funding this if, in fact, we didn't think  
12 that he was doing that.

13 Q. By significant amount of time,  
14 what does that mean? Do you think Mr. Rider  
15 is spending at least four hours a day on this?

16 A. My guess would be from everything  
17 that I have seen and discussed with Ms. Meyer  
18 and my oversight of the project as a general  
19 matter, is that it varies, that some days will  
20 be more fruitful than other days. And I think  
21 that's the nature of the kind of undertaking  
22 that he's doing.



1           Some days he'll probably spend ten  
2 hours. If he happens to get an interview with  
3 somebody and he talks to a reporter, he'll go  
4 way past normal business hours. If he's  
5 preparing for a meeting or a press conference,  
6 he'll spend a significant amount of time  
7 beyond what somebody would spend in a normal  
8 workday. If he's making phone calls and  
9 trying to send e-mails and getting no  
10 response, he might spend significantly less  
11 time.

12           I think, you know, the nature of  
13 the activity that we are supporting is one  
14 that doesn't always lend itself to knocking  
15 off at a certain time or picking up at a  
16 certain time. It involves doing what is  
17 necessary under the circumstances to try to  
18 generate media.

19           And my sense of that, both from  
20 talking to him and my overall sense of a  
21 public education campaign, is that that is to  
22 some degree episodic and not entirely

1 consistent from one day or even one week to  
2 the next.

3 Q. Does WAP know whether there have  
4 been any weeks over the last three years in  
5 which Mr. Rider has done zero media work?

6 A. Know that he's done zero media  
7 work. I have never heard that. I wouldn't be  
8 surprised if he took, like every other human  
9 being on the planet -- he's been doing this  
10 for quite a few years now. I wouldn't be at  
11 all surprised if he took a couple of days off  
12 to relax and regenerate like every other human  
13 being has to do.

14 So if that were to be the case, I  
15 wouldn't be surprised by it. It wouldn't  
16 concern me as long as he was, again, as a  
17 general matter, engaging in a good faith,  
18 conscientious, strenuous public education  
19 campaign, which is what we've always believed  
20 he was doing. And we've heard and seen  
21 nothing to suggest that he's not doing that.

22 Q. Does anyone at WAP know, and this

1 would include Ms. Meyer, whether or not Tom  
2 Rider has ever gone an entire week without  
3 doing any media work?

4 A. An entire week? I have never had  
5 any discussion with Ms. Meyer about that.

6 Q. If we go back in time, when did  
7 WAP first decide to begin providing funding to  
8 Mr. Rider?

9 A. I think our initial discussions of  
10 it were in the latter part of 2001. And I  
11 think our actual funding of him began in 2002.

12 Q. Was WAP involved in discussions  
13 with anyone trying to find funding for Mr.  
14 Rider in May 2001?

15 A. WAP involved in discussions. I'm  
16 not quite sure what you mean by "WAP involved  
17 in discussions."

18 Q. Did WAP speak to anyone in or  
19 about May 2001 about trying to find funding  
20 for Mr. Rider?

21 A. I know there were discussions with  
22 ASPCA during that period of time.

1 Q. What were those discussions?

2 A. Those discussions, which I think  
3 were consistent with the general discussions  
4 we were having at that time, were that Mr.  
5 Rider was doing invaluable media work, that he  
6 was an extremely effective, articulate and  
7 credible public advocate for the elephants.

8 There was an understanding that  
9 this overall campaign to do something about  
10 the mistreatment of elephants in circuses  
11 necessitated some kind of media campaign, in  
12 part, to respond to media that was being done  
13 and we anticipated would be done by Feld  
14 Entertainment, and that since Mr. Rider had  
15 already, I think at that time was already  
16 engaged in rather extensive media activities  
17 and had proven himself to be a very good  
18 spokesperson on behalf of the elephants, that  
19 it would be good to find a way to continue to  
20 have him engage in that activity.

21 And he had already indicated his,  
22 I think, desire to go on the road -- initially

1       it was a bus, later it was a van -- and travel  
2       around and otherwise do media as best he  
3       could. And so I think our discussions were  
4       not that complicated, how do we support his  
5       activities.

6               Q.       Who from WAP participated in those  
7       discussions?

8               A.       At that time I think the most  
9       direct participants would have been Katherine  
10      Meyer and D'Arcy Kemnitz.

11              Q.       Who from ASPCA participated in  
12      those discussions?

13              A.       I believe it was Lisa Weisberg.  
14      And I believe at that time ASPCA also had a  
15      D.C. office which has since closed, and I  
16      think the person who worked at that D.C.  
17      Office was involved. But I can't recall that  
18      person's name.

19              Q.       Did WAP discuss this subject with  
20      AWI in or about May 2001?

21              A.       My understanding is that WAP  
22      discussed the matter with -- and I always get

1 obviously, all we can do is, I think, talk  
2 about what our understanding is of the general  
3 approach that we had. And there was, again,  
4 there was a general agreement, including The  
5 Wildlife Advocacy Project but also including  
6 the ASPCA and other people involved in  
7 supporting Tom Rider's activities, that we  
8 would provide him funding to travel in order  
9 to carry out his campaign.

10 So who was the organizations that  
11 were involved in funding the campaign, and  
12 when you say who in particular, I'm not sure I  
13 can answer the question beyond that.

14 Q. The question was whose idea was it  
15 for WAP to wire transfer money to Tom Rider  
16 beginning on January 15, 2002?

17 A. The idea for funding Tom Rider  
18 overall was an idea that I think I described a  
19 little bit ago.

20 Q. Correct. That's not the question.

21 A. Yeah.

22 Q. The question is who decided that

1 this specific amount of money would come from  
2 WAP as opposed to one of the other  
3 organizations you've mentioned.

4 A. As opposed to -- I appreciate your  
5 clarification. At a certain point there was  
6 discussion of WAP being an organization that  
7 would continue the activities that Mr. Rider  
8 had been doing and had been funded, I think,  
9 directly in part by ASPCA at some point during  
10 2001.

11 He'd also gotten funding from some  
12 other organizations. We'd seen what he was  
13 able to do. And I think WAP made a suggestion  
14 that it could serve as an organization that  
15 would work with Mr. Rider in order to engage  
16 in these activities. And so -- and I think  
17 the Plaintiff groups, ASPCA, some of the  
18 others, agreed that that would be an  
19 appropriate way, given the organizational  
20 mission of WAP to support his work.

21 Q. Did WAP discuss with AWI, ASPCA or  
22 Fund for Animals whether or not the payment

1       should go through WAP to Mr. Rider so that  
2       they did not become an issue in this case?

3           A.       No.

4           Q.       Do you know if anyone had those  
5       discussions among the Plaintiff groups?

6           A.       I can't talk about the other  
7       Plaintiff groups. But I can say that WAP has  
8       never been involved in those discussions. And  
9       frankly, it wouldn't make a heck of a lot of  
10      sense. But that was never a motivation. It  
11      had nothing to do with that.

12           Q.       Why then did ASPCA pay Mr. Rider  
13      directly in 2001 and provide a grant to WAP  
14      and then have money go from WAP to Tom Rider?  
15      Why did ASPCA stop paying him directly?

16                   MR. TRISTER: Do you know that  
17      that's a fact?

18                   THE WITNESS: I do know for a fact  
19      the ASPCA stopped paying him directly. My  
20      understanding has always been it was for  
21      ASPCA's own organizational reasons, having to  
22      do with their budgeting process. I never had



1 know that he had particular expenses that made  
2 it important so that he could continue to do  
3 what he was doing. That would change that  
4 somewhat.

5 For example, if his van broke down  
6 as it did repeatedly, because it was, I think  
7 both of his vans were old and he'd have car  
8 expenses. So occasionally there would be a  
9 need to provide him additional funding in  
10 order to get him back on the road. I think  
11 some of the places that he would go to would  
12 be more expensive than others.

13 I know when he went out to  
14 California, whenever he was trying to stay in  
15 the Los Angeles area because of the expense of  
16 staying there, that would be somewhat greater.  
17 So it would be a part a function of him  
18 saying, you know, "I can't go back on the road  
19 without some additional grant funds, grant  
20 support."

21 Q. The funding every couple of weeks  
22 that you mentioned, specifically, what was the

1 understanding in terms of how much money would  
2 be provided every couple of weeks, as you  
3 testified?

4 A. I think generally speaking it's  
5 been about \$1,000 every couple of weeks. And  
6 I think it may have varied somewhat. Over the  
7 course of time, depending in part on increased  
8 living expenses, gasoline has become more  
9 expensive over the course of time, as he's  
10 crisscrossed the country, as he's done on a  
11 number of occasions and, again, it would  
12 relate to the expenses for fixing his van. So  
13 I think it's generally been, I think it's gone  
14 up somewhat over the course of time as his  
15 living expenses have gone up somewhat, but I  
16 think it was we would generally provide him, I  
17 think it was between 500 and 1,000 every  
18 couple of weeks for the first couple of years.  
19 And then for the last couple of years I think  
20 it's generally been \$1,000 every couple of  
21 weeks.

22 Q. Has Mr. Rider ever called WAP and

1           Q.     The cities that are reflected both  
2     in this ledger and on those letters, how are  
3     they generally chosen?

4           A.     My understanding is that Mr. Rider  
5     chose them based upon the circus's activities  
6     generally, not invariably, and that he  
7     understood where the circus was traveling to.  
8     He would make his best efforts to actually be  
9     in that city in advance or roughly around the  
10    same time as the circus was going to be there.

11               And that was the principal focus  
12    of his schedule. But it would not always be  
13    possible to be there. And sometimes he would  
14    go to other locations for other reasons.

15               He has gone to testify on occasion  
16    before state and local -- I think he went to  
17    testify in Chicago on one occasion. He went  
18    to Omaha to testify with respect to a state  
19    bill that was pending before the Nebraska  
20    legislature. I think he went to Boston in  
21    connection with a press conference that he did  
22    with a Massachusetts state legislator.

1                   He has gone and done other media  
2                   events with some groups. He has spoken with  
3                   groups over the course of time. He went to  
4                   Pennsylvania, I know, to speak with a local  
5                   citizens group. I think he did an event out  
6                   in Los Angeles with a local group.

7                   So sometimes, but not always, he  
8                   would choose cities based upon how it would  
9                   best serve the interests of the public  
10                  education and lobbying campaign he was doing  
11                  that were not the city that Ringling Brothers  
12                  was going to.

13                  So I'd say that was the principal  
14                  basis on which he would select where he was  
15                  traveling to, but it was by no means the  
16                  exclusive basis. There would sometimes be  
17                  compelling reasons for him to go to someplace  
18                  else.

19                  Q.       So these entries, most if not all  
20                  were created by Leslie Mink. Is that correct?

21                  A.       The entries themselves were  
22                  inputted by Leslie Mink, right.

1 Q. Do you know what media work he was  
2 doing in Florida at that time?

3 A. I do know that he, there was a  
4 news report that was run out of Miami that he  
5 was interviewed on TV. I can't recall whether  
6 that was in 2005 or 2006.

7 Again, my understanding is that  
8 frequently he will talk to reporters over the  
9 course of time. And so if a news report shows  
10 up six months later or a year later, it may in  
11 fact be based upon work that he had done at an  
12 earlier period of time.

13 So all I can reasonably assume is  
14 that he was focusing his efforts on media in  
15 connection with Miami, those locations. And I  
16 do know for a fact that there has been media,  
17 my recollection is that there was media done  
18 in Florida that he generated. But I can't tie  
19 it in specifically to that at this point.

20 Q. Then there's a series of entries  
21 for Los Angeles, California, in January of  
22 2006 through April 2006. In fact, it flips

1       that. But I think that we understand it to be  
2       the same basic kind of contribution, which is  
3       people supporting Tom Rider's media campaign.

4               Q.       Who came up with the term "grant"  
5       in connection with Tom Rider's payments?

6               MR. TRISTER: You are now talking  
7       about the payments to Mr. Rider?

8               BY MR. GASPER:

9               Q.       Payments from WAP to Mr. Rider.

10              A.       I think it's always -- who came up  
11       with it in the first place? I can't remember.  
12       I think the reason why The Wildlife Advocacy  
13       Project has found it to be an appropriate term  
14       is because it characterizes the nature of our  
15       relationship with him, again, in the nature of  
16       him working, essentially on this activity out  
17       there on the road. We understood from the  
18       very beginning that we would not be exercising  
19       day-to-day control over what he was doing and  
20       that a grant, consistent with the  
21       organizational mission, consistent with the  
22       funding we were getting from other supporters,

1 other animal groups, other individuals  
2 concerned about Ringling Brothers's treatment  
3 of its animals, other circus animals, was that  
4 a grant best described the nature of our  
5 relationship with him.

6 So I can't tell you precisely  
7 where the word originated from. But I think  
8 we've always regarded it as an appropriate  
9 terminology, given what we understand grant --  
10 and if I could add something else about that.  
11 It's consistent with how our organization has  
12 approached other kinds of projects as well as  
13 my general understanding of the grant world.

14 Q. Did WAP at any time consider tax  
15 implications of calling it a grant?

16 A. We considered our own tax  
17 implications.

18 Q. And what were those?

19 A. That we would do 1099's for him.

20 Q. In calling it a grant, was the tax  
21 implication of the word "grant" considered as  
22 opposed to another term?

1       that's where he would be at that point in  
2       time.

3               Q.       Do you know how Mr. CuvIELlo got  
4       the checks to Mr. Rider?

5               A.       No.

6               Q.       Of the checks that have been sent  
7       over the years -- let's go to in the last  
8       year, how many of the checks to Mr. Rider have  
9       been sent to the State of Florida?

10              A.       Over the last year,  
11       chronologically, you are going back from now?

12              Q.       Correct.

13              A.       Again, my understanding is that  
14       for at least the last couple of months that's  
15       where he has been because he hasn't been able  
16       to travel. So I think for that period of time  
17       they were all sent there. Earlier in the year  
18       I think he was traveling around, and so we  
19       were sending him checks to where he was going.  
20       I mean, again, I can't tell you the precise  
21       numbers.

22              Q.       Why can't Mr. Rider travel over



1 the last few months?

2 A. I think he's been having van  
3 problems, it's my understanding, is that he  
4 needs to get the van fixed. I think also my  
5 understanding is that he's been traveling less  
6 because the circus has not been out on the  
7 road during this period of time. And so more  
8 of his media work has been concentrated in him  
9 making phone calls, doing e-mails, and  
10 reaching out to media that way.

11 Q. And we're talking about the period  
12 of October 2007. Is that your understanding?

13 A. I don't recall precisely how long  
14 he's been down in Florida. I mean that's  
15 roughly consistent with what I understand, but  
16 I don't know exactly.

17 Q. In 2006, do you know approximately  
18 how many checks were sent to the State of  
19 Florida?

20 A. No.

21 Q. Who would know?

22 A. I'm not sure anybody would.

1 and I think he has fielded phone calls from  
2 her. But I can't say for sure.

3 Q. Earlier this morning you mentioned  
4 news stories in Las Vegas, Nevada in the  
5 summer of 2007. Is that right?

6 A. Yes.

7 Q. Did Mr. Rider initiate those news  
8 stories?

9 A. In my view, you're getting  
10 dangerously close to the line of asking for  
11 our specific media strategies. But I'll  
12 answer subject to that.

13 Q. I'm not asking for the strategy.  
14 I'm asking the question did Mr. Rider cause  
15 that media story to happen.

16 A. Asking exactly how Mr. Rider dealt  
17 with reporters is asking for our media  
18 strategy.

19 Q. I'm not asking how he caused it to  
20 happen. I'm asking whether or not Mr. Rider  
21 caused that story to happen.

22 A. My understanding is that Mr. Rider

1 was instrumental in that story happening and  
2 that he was prominently featured.

3 Q. Did Mr. Rider make the initial  
4 contact?

5 A. I don't know exactly who made the  
6 initial contact.

7 Q. I believe also this morning you  
8 discussed that Mr. Rider had a proven ability  
9 of generating media results. Is that correct?

10 A. Yes.

11 Q. And that was true at the time of  
12 May of 2001. Is that correct?

13 A. That was true in the 2001-2002  
14 time frame.

15 Q. What was that based on, that in  
16 May 2001 Mr. Rider had a proven ability to  
17 generate media results?

18 A. I actually brought one of the  
19 documents that I happened to look for in  
20 preparation of the deposition that we turned  
21 over to you which I think helps answer that  
22 question. Is it okay if I --

1 Q. It's a document that has been  
2 produced in this case?

3 A. It's a document that's been  
4 produced. It's an itemization of media that  
5 he had done. And I think it actually very  
6 effectively answers what we were looking at  
7 when we decided to embark on this project. So  
8 I'd be happy to provide that to you.

9 Q. Prior to May of 2001?

10 A. I think it covers that entire time  
11 frame, yes. Can I --

12 Q. Does it have any notes on it?

13 A. It has nothing, it hasn't changed  
14 at all from what was produced to you. It  
15 actually has a Bates number in the corner.

16 Q. That's fine. You can take a look  
17 at it. Before you do, Mr. Glitzenstein, let's  
18 just have the court reporter mark it.

19 (Marked, Exhibit # 8, "Television"  
20 Document.)

21 THE WITNESS: Unfortunately, I  
22 didn't make copies.

1 BY MR. GASPER:

2 Q. What's the Bates number?

3 A. It's 222 -- unfortunately, it  
4 looks like 223 got cut off, but it's 222, 223,  
5 224, and 225.

6 So I don't know if you're ready  
7 for me to proceed.

8 Q. Mr. Glitzenstein, this has now  
9 been marked as Exhibit 8. It's the document  
10 you brought with you this morning.

11 The question, sir, is at May 2001  
12 on what basis did WAP conclude that Mr. Rider  
13 had a proven ability to generate media  
14 results?

15 A. Yeah, and I think as this document  
16 reflects, it encompasses the entire period  
17 around May, some of them are June, some of  
18 them are May 18th, 2001, Channels 19, 25 and  
19 31, Peoria story, May 24, 2001, "Former  
20 Trainer Alleges Elephant Cruelty at Circus,"  
21 WISC-TV, Madison, Wisconsin. It's got a  
22 website. March 30th, 2001, "Circus Suit,"

1 WPIX-TV, New York, New York.

2 May 30th, Harrisburg Patriot from  
3 Pennsylvania, refers to that one. March 30th,  
4 2001 has a New York Daily News story. It's  
5 got many of them from June, around the same  
6 time frame.

7 So if I can summarize from this  
8 document, we didn't have to guess. We knew  
9 that he was extremely capable of engaging in a  
10 public education campaign.

11 Q. Is there anything prior to May  
12 2001 other than the two March 30th articles  
13 that you mentioned that led to that  
14 conclusion?

15 A. I think there were, but I can't  
16 recall.

17 Q. And did Mr. Rider generate these  
18 news stories?

19 A. I believe he either generated them  
20 or was instrumental in making them happen.

21 Q. Do you know if he generated them?

22 A. Could you define what you mean by

1 specifically who communicated with PETA at  
2 that time.

3 Q. Do you know whether Ms. Meyer  
4 spoke to PETA about this donation?

5 A. I don't know.

6 Q. Do you know whether any of the  
7 Plaintiffs spoke to PETA about this donation?

8 A. No.

9 Q. With respect to Animal Welfare  
10 Institute, sir, what we've been referring to  
11 as AWI, this shows that the first payment from  
12 AWI would be in February 2004. Do you see  
13 that?

14 A. Yes.

15 Q. How did that donation come about?

16 A. There were discussions with the  
17 various groups and I think particularly with  
18 Cathy Liss at that point about continuing to  
19 keep Tom out on the road doing his public  
20 education activities. And AWI believed  
21 strongly that Tom should continue to do that.

22 I believe we submitted a formal

1 grant proposal. I think we provided that to  
2 you in the document production. And Cathy  
3 Liss and AWI reviewed the proposal, looked at  
4 the material that we provided in coordination  
5 with that and believed that it was an  
6 appropriate activity for AWI to support.

7 Q. You said that various groups were  
8 approached. Did that include The Fund for  
9 Animals?

10 A. I believe there were discussions  
11 with The Fund for Animals about supporting  
12 Tom's work, yes.

13 Q. In late 2003, early 2004 --

14 A. I'm sorry. Go ahead.

15 Q. No. Finish your answer.

16 A. That's okay. I'll wait for your  
17 question.

18 Q. In late 2003 or early 2004, other  
19 than AWI and The Fund for Animals, did WAP ask  
20 anyone else for contributions?

21 A. I mean it's hard for me to recall  
22 specific time frames. I think we've given you



1 donor. But generally speaking, how does WAP  
2 identify potential donors for Tom Rider?

3 A. I do think that gets to our media  
4 strategy and involves our strategy for funding  
5 the activity. But speaking in general terms,  
6 Tom Rider meets people while he's on the road.  
7 Several of the people he's met have been  
8 extremely impressed with him and have wanted  
9 to support his activities. And so some of the  
10 recurrent donations we've gotten have been  
11 from individuals that he's crossed paths with.

12 Frankly, we have not had much time  
13 as probably we would have liked to engage on  
14 our own fundraising and we would like,  
15 frankly, to do more of that. I think that  
16 what we do is look for organizations and  
17 individuals who believe in doing something  
18 about the mistreatment of elephants and have a  
19 record of being concerned about elephants.

20 I think all the organizations,  
21 including the ones you know about that Judge  
22 Sullivan said we could withhold, are

1 organizations that are concerned with elephant  
2 treatment and mistreatment. They know about  
3 Feld's and Ringling Brothers's systemic  
4 mistreatment of the elephants, and they want  
5 to do something about it.

6 So we occasionally learn that  
7 those people are out there. Sometimes Mr.  
8 Rider tells us. Sometimes we learn about that  
9 independently. And when we have been able to,  
10 we have contacted those people and called upon  
11 our collective interests in changing what we  
12 think is a deplorable circumstance for these  
13 animals, and asked them if they'd be willing  
14 to contribute to that.

15 Q. How many organizations, sir, other  
16 than the Plaintiffs in this case, has WAP  
17 spoken to about the possibility of funding Tom  
18 Rider?

19 A. I assume by spoken to, you mean  
20 any kind of communication.

21 Q. Contacted in any form.

22 A. Okay. I would say four or five.

1           Q.       Sir, these reports reflect various  
2       donations on or about October 24th, 25th, 26th  
3       and 27th of 2007. Do you see that?

4           A.       Yes.

5           Q.       And I'm not asking you why they  
6       were made, but does WAP understand why this  
7       series of donations were made?

8           A.       Why I think they were made,  
9       because people around the country believe  
10      strongly that the situation involving Ringling  
11      Brothers's treatment of its elephants should  
12      change. I think Mr. Rider's public education  
13      activities have been successful in  
14      communicating to people how deplorable the  
15      conditions are.

16                   There are people around the  
17      country who believe that something should be  
18      done about it. This was a mechanism for  
19      continuing to fund Tom Rider's activities that  
20      people avail themselves of who are concerned  
21      about that issue.

22          Q.       Does WAP know what prompted or

1 know about that. If I don't feel like I know  
2 about that, I'll go in and say, you know, "Can  
3 we recap what Tom is focusing on at this point  
4 in time." So it's a recurrent discussion that  
5 we have, but there's no precise timetable for  
6 it.

7 Q. On average, has it happened at  
8 least once a month?

9 A. On average, it's happened I'd say  
10 more often than that.

11 Q. Twice a month?

12 A. At least.

13 Q. Describe each thing that WAP looks  
14 at to consider or evaluate whether Mr. Rider  
15 is conducting, as you called it, a legitimate  
16 education campaign.

17 A. Well, the principal thing we look  
18 at is whether media is being generated that he  
19 is involved with in some fashion, whether he's  
20 made the initial phone call, whether he has  
21 had a discussion with the reporter, whether he  
22 is featured in the story, as he frequently is.

1 We look at whether or not media is being  
2 generated, which is the same way we would I  
3 think primarily evaluate any public relations  
4 activity that's undertaken.

5 Anybody who hires a public  
6 relations firm would look first and foremost  
7 at does the public relations firm generate any  
8 media and actually at one point -- we've had  
9 experience with big public relations firms  
10 that spent a lot more money and generated a  
11 lot less media. So that's certainly something  
12 that we highly value.

13 And beyond that, we would look at  
14 whether there seems to be a relationship  
15 between where he's going and what he's doing,  
16 and the ongoing generation of media. And we  
17 would form that kind of a judgment based upon,  
18 I'd say overall, our collective 50-plus years  
19 of experience doing public interest advocacy  
20 work.

21 Q. How specifically does WAP find out  
22 if media has been generated?