UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

.

Plaintiffs,

: Case No. 03-2006 (EGS/JMF)

:

FELD ENTERTAINMENT, INC.,

v.

:

Defendant.

SUPPLEMENTAL AUTHORITIES REGARDING TESTIMONY OF DEFENDANT'S EXPERT DR. SCHMITT

EXHIBIT 4

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Page 1
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              UNITED STATES DISTRICT COURT
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              FOR THE DISTRICT OF COLUMBIA
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     AMERICAN SOCIETY FOR THE :
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     PREVENTION OF CRUELTY TO :
 5
     ANIMALS, et al.
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 6
                    Plaintiffs:
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                                   Case No.
 7
            VS.
                                   03-2006 (EGS/JMF)
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     FELD ENTERTAINMENT, INC. :
 9
 9
                    Defendant
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11
                           Washington, D.C.
12
                           August 29, 2008
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13
     Deposition of:
13
14
              DENNIS SCHMITT, DVM, Ph.D.,
     called for oral examination by counsel for
15
     Plaintiffs, pursuant to notice, at the offices
16
17
     of Meyer Glitzenstein & Crystal,
     1601 Connecticut Avenue, N.W., Suite 700,
18
     Washington, D.C., before Zev V. Feder, CSR, a
19
20
     Notary Public in and for the District of
21
     Columbia, beginning at 9:24 a.m., when were
     present on behalf of the respective parties:
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		T	
	Page 138		Page 140
1	Q. Are the two grants on your CV,	1	Q. Do you realize that your quote is
2	page three, the one from 2002 to 2004, and	2	in it?
3	from 2006 to 2008, are those included within	3	A. No.
4	your \$1 million figure?	4	Q. If you turn to page five, the
5	A. I know the one for 2002 to 2004	5	bottom paragraph, you will see there is a
6	was. I am not certain if I included my	6	
7	Ringling Brothers chair in that or not.	7	little quote from you regarding free contact
8	MS. SANERIB: I think this may be	8	training.
9	a good	1	If you turn to page eight, you
10	THE WITNESS: I don't think so.	9	will see there is another quote from you.
11		10	What I am interested in talking
12	But I am not positive.	11	about is on page 11.
13	MS. SANERIB: This may be a good	12	A. All right. I don't see the second
14	point in time to break for lunch.	13	quote. I see what appears to be something
	(Discussion off the record.)	14	attributed to me but there is not a quote.
15	MS. SANERIB: Be back here by	15	Q. That's correct. There is no
16	1:15?	16	quotations around it.
17	MR. SHEA: We will try to be back	17	It does say, says Dr. Schmitt.
18	by then.	18	But you are correct, there are no quotes
19	(Discussion off the record.)	19	around that.
20	(A recess was taken.)	20	We will say on page eight, then,
21	(Whereupon, a recess for lunch was	21	there is a reference to you.
22	taken from 12:24 p.m. to 1:19 p.m.)	22	On page 11 there are four
	Page 120		
1	Page 139		Page 141
1	BY MS. SANERIB:	1	different bullet points here. The director of
2	BY MS. SANERIB: Q. Did you discuss your deposition	2	different bullet points here. The director of research and conservation. I wanted to ask
2 3	BY MS. SANERIB: Q. Did you discuss your deposition testimony at all at lunch?	2 3	different bullet points here. The director of research and conservation. I wanted to ask you a couple of questions about these.
2 3 4	BY MS. SANERIB: Q. Did you discuss your deposition testimony at all at lunch? A. No.	2 3 4	different bullet points here. The director of research and conservation. I wanted to ask you a couple of questions about these. The first bullet point notes
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2 3 4 5 6 7	BY MS. SANERIB: Q. Did you discuss your deposition testimony at all at lunch? A. No. MS. SANERIB: Let's mark this as the next exhibit. (Document referred to marked	2 3 4 5 6 7	different bullet points here. The director of research and conservation. I wanted to ask you a couple of questions about these. The first bullet point notes surplus domesticated elephants in some Indian timber camps. It asks the question, does it make sense for these camps to export their
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	Page 226		Page 228
1	dimensions?	1	notes.
2	A. I really didn't inspect the train	$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	
3	cars prior to that point for the dimensions,		(A recess was taken from 3:33 p.m.
4	but I would assume so.	3	to 3:39 p.m.)
5		4	BY MS. SANERIB:
_	Q. You say on page 17 of your	5	Q. Have you ever met someone named
6	reports, under the heading Jewel, paragraph	6	Iain Valentine?
7	that starts off with Ensley and it is	7	A. Yes.
8	underlined, you say that, "While elephants may	8	Q. About how many times have you met
9	intermittently sway, I do not consider it an	9	him?
10	issue unless it occurs to the point of	10	A. Maybe three times.
11	becoming self-injurious."	11	Q. Have you done any consulting work
12	What do you mean by that?	12	for the zoo he is at?
13	A. Movement is a normal process for	13	A. Not currently, no.
14	any animal. As they are moving, that's not	14	Q. But in the past you have?
15	affecting their health. If they are	15	A. Yes.
16	exhibiting swaying to the point they are not	16	Q. Have you ever had to search your
17	interacting with normal behaviors with their	17	files for this case?
18	environment or other elephants, it may be	18	A. Yes.
19	self-injurious at that point.	19	Q. Is there any reason that the
20	Q. Based on the behavior you saw	20	testimony you provided today is not truthful?
21	Jewel exhibit when plaintiff's experts	21	A. No.
22	conducted their inspection at the CEC, would	22	Q. So you are not taking any
	suspection at the elect, would		Q. So you are not taking any
	Page 227		Page 229
1	you make any notations about behavior in her	1	Page 229 medications that would alter the truthfulness
1 2	you make any notations about behavior in her medical record if you were evaluating her	1 2	medications that would alter the truthfulness
	you make any notations about behavior in her medical record if you were evaluating her health and wellbeing?		
2	you make any notations about behavior in her medical record if you were evaluating her health and wellbeing? A. I don't consider that a normal	2	medications that would alter the truthfulness of your testimony? A. No.
2 3	you make any notations about behavior in her medical record if you were evaluating her health and wellbeing? A. I don't consider that a normal	2 3	medications that would alter the truthfulness of your testimony? A. No. Q. And you are not you don't have
2 3 4	you make any notations about behavior in her medical record if you were evaluating her health and wellbeing?	2 3 4	medications that would alter the truthfulness of your testimony? A. No. Q. And you are not you don't have a medical condition or anything that would
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