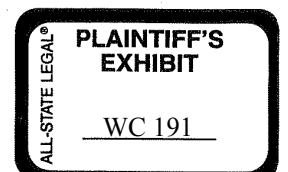


ASPCA v. FEI, Civ No 03-2006

Pls.' Exhibit	
Designated Dep. Tr. Sacha Houcke (1/7/2008)	<p><u>Counter-Designations:</u></p> <p>8:24 9:10, 24 10:05, 17 13:06-08 14:12 14:22-23 15:04-06 15:20 15:23-24 17:16 20:07, 16, 23 21:20 22:04, 08, 16, 25 24:07, 18 25:19 26:04 26:17-18 26:25 28:05, 10, 13, 19, 24 29:04, 19 30:22 31:05 32:10, 15, 20 33:13, 19 34:10 36:13-14 36:20 37:01 38:12 40:02-03 40:06 41:18 42:15 44:20 45:08 47:02-12 47:15</p>



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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)
v)	
)	
FELD ENTERTAINMENT, INC.,)	
)	
Defendant.)	
)	

*** CONFIDENTIAL - ATTORNEYS' EYES ONLY ***

Videotaped Deposition of
Sacha Houcke
taken on
Monday, January 7, 2008

CERTIFIED COPY

Reported by: Paul Brincau, MBIVR, ACR

1 Videotaped deposition of Sacha Houcke, taken on
2 behalf of the parties at 47, avenue Georges Mandel,
3 75116, Paris, France, on Monday, January 7, 2008, at
4 1:12 p.m. before Paul Brincau, ACR, pursuant to
5 notice.

6
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1 And now in France it is obligated, if you show
2 animals, to have a licence, and I just took it
3 6 months ago.

4 Q. What is the difference between elephant
5 handlers and elephant trainers?

6 A. The trainer of the elephant teach the
7 elephants, and the handler is the people who helps.

8 Q. And while you were at Ringling Brothers did
9 you do both handling and training of the elephants?

10 A. I did the training and handling, yes.

11 Q. Which elephants were on the Red Unit while
12 you worked there?

13 A. Asia, Donca, Luna, Baby, Assam, Banana,
14 Sarah, Toby, Banco, Siam.

15 Q. Do elephants vocalize?

16 A. Yes, they do, sometimes.

17 Q. And why do they do that?

18 A. When they speak between each other. And
19 then if they are happy and they want to play. And
20 then if they know somebody and you talk to them, they
21 will talk back to you.

22 Q. What kind of behavior does an elephant
23 exhibit if it is happy?

24 MS. MEYER: Objection to form.

25 ///

1 BY MS. JOINER:

2 Q. Go ahead, you can answer.

3 A. They make squeazy, squeaky noise and then
4 they will shake their head and shake their body, they
5 show happiness and -- good.

6 Q. Okay. Did you ever see any elephants on the
7 Red Unit while you worked there that you thought were
8 exhibiting behavior of happy elephants?

9 A. Yes.

10 MS. MEYER: Objection to form.

11 BY MS. JOINER:

12 Q. Go head, you can answer.

13 A. Yes, many times.

14 Q. Have you ever seen elephants be
15 affectionate?

16 A. Yes. I mean when I worked in the pen to the
17 elephants, they saw me, they came up to me, and they
18 made noises, they were happy to see me and then took
19 my hand to give them food, or whatever. They always
20 make contact.

21 Q. When you said elephants in the pen, were you
22 meaning the pen -- where?

23 A. In the electric fence.

24 MS. MEYER: Objection to form.

25 ///

1 **BY MS. JOINER:**

2 Q. Are you referring to elephants on the Red
3 Unit?

4 A. Yes.

5 **MS. MEYER: Objection.**

6 **BY MS. JOINER:**

7 Q. Have you ever worked with Mr. Tom Rider?

8 A. No, never.

9 Q. Have you ever met him or spoken to him?

10 A. Never.

11 Q. While you were working on the Red Unit, did
12 the circus stop in Tulsa, Oklahoma, in 2006?

13 A. Yes, it did.

14 Q. Do you remember whether or not there was an
15 elephant fight that occurred in Tulsa?

16 A. Yes, we had one.

17 **MS. MEYER: Objection.**

18 **BY MS. JOINER:**

19 Q. And how many elephants were involved in the
20 elephant fight?

21 A. Two elephants.

22 Q. Which elephants?

23 A. Baby and Banco.

24 Q. Baby and Banco?

25 A. Yes.

1 **BY MS. JOINER:**

2 Q. So when you went into the elephant tent,
3 were Baby and Banco inside the tent or outside the
4 tent?

5 A. Outside the tent, in the paddock.

6 **MS. MEYER:** Objection to form. Can you
7 instruct the Witness to allow me at least to make my
8 objection before he answers the question.

9 **MS. JOINER:** Okay. It's hard because the
10 dynamics are a little bit delayed. But Mr. Houcke,
11 if you see that Counsel is trying to make an
12 objection, could you please stop with your answer and
13 give her time. She will make her objection and then
14 you can go ahead and answer.

15 **BY MS. JOINER:**

16 Q. I am sorry, so you just said that Baby and
17 Banco were outside the tent?

18 A. Outside in the pen, yes.

19 Q. In the pen, okay. And how many pens were
20 set up that day?

21 A. Three pens.

22 Q. Were there any other elephants in the same
23 pen as Baby and Banco.

24 A. Yes.

25 Q. Which elephants were in with Baby and Banco?

1 A. Toby and Siam.

2 **MS. MEYER:** I am sorry, I did not hear the
3 answer to that question.

4 **MS. JOINER:** Toby and Siam -- he pronounces
5 "Zeeyam" but we've all been saying "Siam".

6 **MS. MEYER:** Okay.

7 **BY MS. JOINER:**

8 Q. Were all four elephants -- and by "all four"
9 I mean Toby, Siam, Baby and Banco -- loose in the pen
10 at that time?

11 A. Yes, they were.

12 **MS. MEYER:** Objection to form.

13 **BY MS. JOINER:**

14 Q. Okay. And when you arrived inside the
15 elephant tent, what did you do?

16 A. I went to take them apart, stop them
17 fighting before they injured themselves more, because
18 they started to injure themselves. Because of the
19 tusks, they had cuts on their forehead and by their
20 neck already.

21 Q. So --

22 **MS. MEYER:** Objection, unresponsive and move
23 that answer be struck out.

24 **BY MS. JOINER:**

25 Q. So when you arrived the elephants had

1 already cut each other?

2 A. Yes.

3 Q. How did you separate --

4 MS. MEYER: Objection to that question. I
5 am sorry, I didn't get a chance to put my objection
6 in. It's a leading question.

7 BY MS. JOINER:

8 Q. How did you separate them?

9 A. I took my guide and take Banco apart from
10 Baby.

11 Q. Did anybody else help you separate them?

12 A. At that moment no one. At the beginning,
13 no.

14 Q. You said "at the beginning," did somebody --
15 did anybody else arrive after that?

16 A. Later Alex Vargas arrived, yes.

17 Q. When Alex arrived, were the elephants still
18 fighting?

19 A. No.

20 MS. MEYER: Objection --

21 THE WITNESS: I had them apart already.

22 MS. JOINER: Go ahead.

23 MS. MEYER: I was objecting to that
24 question. It is a leading question.

25 ///

1 Q. You had to use a physical command with your
2 guide?

3 A. Yes.

4 Q. How many guides were you using to get Banco
5 to lay down?

6 A. Only one.

7 Q. Did you ever use Mr. Vargas' guide?

8 A. No.

9 Q. Where was Mr. Vargas standing?

10 A. In between the two elephants, by Baby.

11 Q. And where were you standing?

12 A. On the left-hand side from Banco.

13 Q. And was Mr. Vargas standing by the front,
14 the middle, or the back?

15 A. By the shoulder.

16 MS. MEYER: Objection.

17 BY MS. JOINER:

18 Q. By the shoulder. Okay.

19 And what, if anything, did Mr. Vargas do
20 with regard to Banco?

21 A. Nothing.

22 Q. And after you got Baby to lay down what, if
23 anything, did you do with regard to Baby?

24 A. Mr. Vargas stood next to her. That is all.
25 I did not go to Baby.

1 Q. So after you gave those commands, what did
2 you do next?

3 A. Then we tied them up, put them on the tie
4 for about 15 minutes.

5 Q. So which -- let's start with Banco -- which
6 feet of Banco were tied?

7 **MS. MEYER: Objection.**

8 **THE WITNESS:** The front right and the back
9 left.

10 **BY MS. JOINER:**

11 Q. Okay. And which feet of baby were tied?

12 A. Front left and back right.

13 Q. Did you stay with them for the next 15
14 minutes?

15 A. Yes, I stayed there.

16 **MS. MEYER: Objection.**

17 **BY MS. JOINER:**

18 Q. Who else was there during that 15 minutes?

19 A. Alex Vargas was there, and the grooms.

20 Q. Okay. Did you see any blood on Baby or
21 Banco?

22 A. Yes.

23 **MS. MEYER: Objection.**

24 **THE WITNESS:** They had cuts from fighting
25 from the tusks.

1 **BY MS. JOINER:**

2 Q. Let's start with Baby.

3 Where did you see blood on Baby?

4 A. If I remember she had on top of the head,
5 behind the -- by the ear, and one cut in front of her
6 face.

7 Q. When did you first see that?

8 A. When I brought them back. I saw they were
9 bleeding before. I saw some bleed there when they
10 were fighting, but then when I took them back to the
11 barn I saw where the blood came from.

12 Q. Okay. And where did you see blood on Banco?

13 A. Banco, she had behind her head also, and on
14 the back a little bit; because Baby pushed Banco from
15 the front, and Banco pushed Baby from the side.

16 Q. When did you first notice blood on Banco?

17 A. When she was laying down.

18 Q. After the 15-minute period was over, what
19 did you do next?

20 **MS. MEYER: Objection.**

21 **THE WITNESS:** Then untied them, leave Baby
22 in the barn and put Banco back in the pen, and close
23 up the pen that Baby could not go to Banco, or Banco
24 to Baby, whatever.

25 ///

1 BY MS. JOINER:

2 Q. So was Banco loose outside of the barn?

3 A. Yes.

4 MS. MEYER: Objection.

5 BY MS. JOINER:

6 Q. And Baby was loose inside the barn?

7 A. Inside the barn, yes.

8 MS. MEYER: Objection.

9 BY MS. JOINER:

10 Q. And where were Toby and Siam at this time?

11 A. Outside in the pen.

12 Q. With Banco?

13 A. Yes.

14 Q. Now during this incident, were the tent
15 flaps on the elephant tent up?

16 MS. MEYER: Objection.

17 THE WITNESS: The side walls from the tent?

18 BY MS. JOINER:

19 Q. Uh-huh.

20 A. They were open. The whole tent was open.

21 Q. The whole tent was open?

22 A. Yes.

23 Q. And was anybody from the horse barn watching
24 this?

25 MS. MEYER: Objection.

1 Q. How far away were the people from the horse
2 barn that were watching?

3 A. About 20-30 feet.

4 Q. Was Carey Coleman working that day?

5 A. Yes, she was there too.

6 Q. Where was Carey?

7 **MS. MEYER: Objection.**

8 **THE WITNESS:** Outside the barn.

9 **BY MS. JOINER:**

10 Q. I am sorry, I didn't hear.

11 A. Outside the barn.

12 Q. Which barn?

13 A. The elephant barn. In between the barn,
14 between the horse barn and the elephant barn.

15 Q. Okay. Did anybody check the elephants after
16 the fight?

17 A. I did myself.

18 **MS. MEYER: Objection.**

19 **BY MS. JOINER:**

20 Q. Go ahead.

21 A. I did myself.

22 Q. How did you check them?

23 A. I checked whether there was blood and to see
24 the wound, if they were deep.

25 Q. And can you describe what that looked like?

1 **A.** That was like a cut, long cut, about -- I do
2 not know -- about this (indicating), 2-3 centimeters
3 long, one a bit longer, one a bit shorter.

4 **Q.** Let's do this one at a time. The 2-3
5 centimeters' cut was on which elephant?

6 **A.** On Baby; she had one on the forehead about
7 2-3 centimeters long; and then one on top of her head
8 was a bit shorter, maybe 1 centimeter.

9 **Q.** And what did you see when you checked Banco?

10 **A.** She had a little cut like a spot, a push
11 spot from the tusks where Baby pushed her, and it was
12 like scraped.

13 **Q.** Where was that located on Banco?

14 **A.** She had one on the forehead too, from the
15 two tusks there, like that (indicating), by the side
16 over the ear, and one on the back.

17 **Q.** Was Banco bleeding out of her ear?

18 **A.** No.

19 **MS. MEYER: Objection, leading question.**

20 **BY MS. JOINER:**

21 **Q.** Did you check her ears?

22 **A.** Yes, I checked but you could see there was
23 no blood there.

24 **Q.** What was the approximate time period from
25 when you saw the fight, from when you first saw the

1 fight, and after Banco and Baby were put loose in the
2 pens?

3 A. Most probably half an hour.

4 MS. MEYER: Objection to form.

5 THE WITNESS: 30 minutes or 35 minutes.

6 BY MS. JOINER:

7 Q. Can you tell us how long approximately that
8 Mr. Tom worked at the circus?

9 A. About two years.

10 Q. Do you know whether he had any prior
11 experience with the animals?

12 A. He had no experience at all with animals.

13 Q. What was his job?

14 A. To take care of the animals, clean up the --
15 muck out, clean them, make sure they have water. But
16 then I had to remove him from this job.

17 MS. MEYER: Objection, that is beyond the
18 scope of the question.

19 BY MS. JOINER:

20 Q. Which animals did Mr. Tom work with?

21 A. First of all, he worked with the ponies.
22 And then we removed him because he was not capable
23 to, and he wasn't good enough with animals, and we
24 put him on stable watch.

25 MS. MEYER: Objection; unresponsive.

1 animals they got water, hay, and no manure in the
2 stalls.

3 Q. Did Mr. Tom ever complain to you?

4 A. No, never.

5 MS. MEYER: Objection, leading question.

6 BY MS. JOINER:

7 Q. Did you ever hear whether Mr. Tom complained
8 to anybody?

9 A. No.

10 MS. MEYER: Objection.

11 BY MS. JOINER:

12 Q. Did anybody ever complain about Mr. Tom.

13 MS. MEYER: Objection.

14 THE WITNESS: No.

15 BY MS. JOINER:

16 Q. Do you remember any kind of an exchange with
17 Mr. Tom in Houston?

18 A. No.

19 MS. MEYER: Objection.

20 BY MS. JOINER:

21 Q. Did Mr. Tom ever tell you that he thought
22 that you abused animals?

23 A. No.

24 MS. MEYER: Objection, hearsay.

25 ///

1 **BY MS. JOINER:**

2 Q. Did Mr. Tom ever make any threats about
3 having pictures of you abusing animals?

4 **MS. MEYER: Objection. Hearsay.**

5 **THE WITNESS: No.**

6 **BY MS. JOINER:**

7 Q. Did you ever make any threats to Mr. Tom
8 about having pictures of him abusing animals?

9 A. No.

10 Q. Why did Mr. Tom leave the circus?

11 **MS. MEYER: Objection.**

12 **THE WITNESS: Because his wife got fired.**

13 And then he went to the office and he said, "If my
14 wife is fired, I am leaving". And then they told him
15 he can leave.

16 **BY MS. JOINER:**

17 Q. Did you ever falsify any of his personnel
18 records?

19 **MS. MEYER: Objection.**

20 **THE WITNESS: No.**

21 **BY MS. JOINER:**

22 Q. Who had responsibility for employee records
23 on the Red Unit?

24 A. The General Manager.

25 Q. What was the General Manager's name?

1 **A.** In this time it was John Griggs,
2 G-R-I-G-G-S.

3 **Q.** Did you ever have access to any employee
4 records?

5 **A.** No.

6 Can I mention that Mr. Tom asked for his
7 wife, when they wanted to remove her, to come work to
8 the horse department, to the animal department, and
9 then I refused this too; because I said she was not
10 capable to take care of animals. But I just recall
11 this, that he asked for her to be by the animals and
12 I didn't want to.

13 **Q.** So what was Mr. Tom's wife name?

14 **A.** Margaret.

15 **Q.** And where did Margaret Tom work?

16 **A.** She worked backstage.

17 **Q.** Did she ever work with any animals?

18 **A.** No.

19 **Q.** Do you know why she left the circus?

20 **A.** Because she got fired.

21 **Q.** What was she fired for?

22 **MS. MEYER: Objection.**

23 **THE WITNESS:** If I remember well, because
24 she did not show for work for a couple of days, and
25 it was not the first time that it happened.

1 **BY MS. JOINER:**

2 Q. And when did Mr. Tom ask if Mrs. Tom could
3 work in the animals barns?

4 A. During --

5 **MS. MEYER: Objection, hearsay.**

6 **THE WITNESS:** During the working -- when,
7 maybe couple of months before they left.

8 **BY MS. JOINER:**

9 Q. And what was your answer?

10 A. "No".

11 Q. So you knew Archele Hundley, is that
12 correct?

13 A. Yes.

14 Q. How long did Ms. Hundley work on the Red
15 Unit?

16 A. Not very long, about 6 months -- about
17 8 months, something like that.

18 Q. Did she work on the Red Unit from April to
19 June of 2006?

20 A. Yes, most probably, yes.

21 Q. What was her job?

22 A. Taking care of the horses -- one horse,
23 because she could not take care of the other horses.
24 She took care of one horse from Andrei Maclane. The
25 horse did not belong to Ringling.

1 Q. Which horse did she take care of?

2 A. Jonah.

3 Q. Did she work with the elephants?

4 A. No.

5 Q. And what were her job responsibilities?

6 A. To groom Jonah and make sure his stall was
7 clean and get him ready for the show.

8 Q. Was she ever reprimanded or disciplined?

9 A. No.

10 MS. MEYER: Objection.

11 BY MS. JOINER:

12 Q. Did she ever complain to you about the
13 treatment of animals?

14 A. No.

15 MS. MEYER: Objection.

16 BY MS. JOINER:

17 Q. Did she ever complain to anybody else that
18 you heard of?

19 A. No.

20 MS. MEYER: Objection.

21 BY MS. JOINER:

22 Q. How often did you work with Ms. Hundley?

23 A. At that time she worked for us, for Ringling
24 -- I mean, because she came and then she left, she
25 said she had family problem, she left, and then she

1 should have come back after two days, and she showed
2 up later again, and then she called Bob Tom asked if
3 I want her back, I said "Yes, we need people, she can
4 come back," and then she came back.

5 Q. Okay --

6 MS. MEYER: Objection. Unresponsive. Move
7 to strike.

8 BY MS. JOINER:

9 Q. What I am trying to figure out is how often
10 did you see her at work? Was it daily?

11 A. Yes, daily, daily.

12 Q. What was her personality like?

13 MS. MEYER: Objection.

14 THE WITNESS: Normal, normal.

15 BY MS. JOINER:

16 Q. Did she ever complain or comment about her
17 health?

18 A. No.

19 MS. MEYER: Objection.

20 BY MS. JOINER:

21 Q. Is the horse barn always located next to the
22 elephant barn?

23 A. No.

24 Q. What determines the layout?

25 A. It depends on the ground, depends on the

1 ground; sometimes they are beside. Sometimes they
2 are on the road, sometimes like an "L," or sometimes
3 at the opposite of the elephants -- it depends on the
4 facility we have the set up.

5 Q. Did you ever see Ms. Hundley with the
6 elephants?

7 A. No, she had nothing to do by the elephants.

8 Q. Did she ever visit the elephants?

9 A. No.

10 **MS. MEYER: Objection.**

11 **THE WITNESS:** People who were not working
12 with the elephants, they weren't allowed to go in the
13 tent.

14 **BY MS. JOINER:**

15 Q. Why did Ms. Archele Hundley leave the
16 Circus?

17 **MS. MEYER: Objection.**

18 **THE WITNESS:** I do not know.

19 **BY MS. JOINER:**

20 Q. Do you know which city it was when she left?

21 A. No, I don't remember.

22 Q. Did she speak to you before she left?

23 A. No.

24 Q. Did she tell you why she was leaving?

25 A. No.

1 A. (Perused document.)

2 Q. Are you ready?

3 A. Yes.

4 Q. This is a declaration that Mr. Tom submitted
5 in our case. And I want to just direct your
6 attention to certain paragraphs of it. So let's
7 start with paragraph 3. And Mr. Tom is stating that
8 he believes he was dismissed because of his "repeated
9 and futile complaints to Circus management about the
10 mistreatment and sometimes violent abuse of animals"?

11 A. No, it is not true. He got dismissed
12 because --

13 **MS. MEYER: Objection, there is no question**
14 **pending.**

15 **BY MS. JOINER:**

16 Q. Yes. Let me just say, do you believe that
17 he was dismissed from the Circus because he
18 complained about animals?

19 A. No.

20 **MS. MEYER: Objection.**

21 **BY MS. JOINER:**

22 Q. And did you ever hear anybody say that
23 Mr. Tom complained about the treatment of animals
24 while he worked at the Circus?

25 A. No.

1 **MS. MEYER: Objection. Leading and hearsay.**

2 **THE WITNESS:** No, I did not.

3 **BY MS. JOINER:**

4 **Q.** In paragraph 4, if you look down at the next
5 sentence, this references Tulsa, Oklahoma. Is it
6 true that you were severely abusing elephants in
7 Tulsa, Oklahoma?

8 **A.** No, I did not.

9 **Q.** Did you use two bullhooks at once during the
10 fight with Baby and Banco?

11 **A.** No, I didn't.

12 **Q.** Is the statement, "He hooked behind the left
13 ear on the back;" true?

14 **A.** I did not hook her behind the ear. I tapped
15 her on the back to make her lay down, and maybe I
16 touched her by the ear to make her go over.

17 **Q.** Did you cause either Baby or Banco to begin
18 bleeding?

19 **A.** No.

20 **Q.** Did you have to take breaks and sit in a
21 chair during this incident with Baby and Banco?

22 **A.** No.

23 **Q.** If you would look at paragraph 35, is it
24 true that the elephants on the Red Unit are terrified
25 of you?

1 **A.** No, they weren't.

2 **Q.** Is there a command for the elephants to
3 urinate or defecate?

4 **A.** Yes.

5 **Q.** What is that command?

6 **A.** I will tell them by vocal command to push,
7 or to make noises, with our mouth -- like
8 "bully-bully-bully" and things -- and then they would
9 go for it.

10 **Q.** Why do you say that the elephants are not
11 terrified of you?

12 **MS. MEYER:** Objection.

13 **THE WITNESS:** Because if I work in the pen
14 they would come up to me and they will have contact
15 with me. If they were terrified of me, they would
16 have no contact with me, they would walk away from
17 me.

18 **BY MS. JOINER:**

19 **Q.** Did the elephants on the Red Unit come up to
20 you?

21 **A.** Yes, every one.

22 **Q.** If you look at number 6, it talks about
23 "rubbing dirt into bloody bullhook wounds;" do you
24 see that?

25 **A.** Yes.

1 A. That is not true. The train...

2 **MS. MEYER:** Objection. That misstates what
3 it says.

4 **MS. JOINER:** I am not reading it directly, I
5 am paraphrasing.

6 **MS. MEYER:** That is why I am objecting.

7 **MS. JOINER:** I understand, just so we are
8 clear on that, okay.

9 **MS. MEYER:** Okay.

10 **BY MS. JOINER:**

11 **Q.** How often did the Circus Train stop to water
12 and feed the animals?

13 **A.** I always had direct contact with the Train
14 Master, and he always used to tell me an hour before,
15 and we used to stop twice a day, every day.

16 **Q.** And what would you do during those stops?

17 **A.** We used to feed and drink the elephants and
18 the horses, but the horses get automatic drinks.
19 That means when the train was slowing down or
20 stopping for a few minutes, the pump went on and they
21 could drink any time they wanted.

22 **Q.** And during two day train runs, is it true
23 that you never stopped?

24 **A.** It is not true; we always stop. And if the
25 train run is more than two days, we stop one day and

1 a half, and then we stop, we unload all the animals,
2 the train car would be cleaned, completely cleaned
3 out, put fresh beddings down, and then we reload the
4 animals.

5 Q. Okay. Did you do anything to clean the cars
6 during the feed and water stops?

7 A. Yes, we always push the manure to the
8 opposite side where the elephants are standing.

9 Q. If you look at number 18, is it true that
10 the elephants did not have room to lay down?

11 A. Not, it is not true. The elephant, each
12 elephant, they are in one line, and each elephant
13 have the full width of the train car.

14 Q. Number 19, paragraph 19, references fans in
15 the elephants cars. What did you do to make sure, if
16 anything, to make sure that the fans were working
17 properly?

18 **MS. MEYER: Objection, leading question.**

19 **THE WITNESS:** The fans, they were controlled
20 from the Train Master, and then if I saw one on the
21 train that did not work, I mentioned it straightaway
22 to the Train Master and it got fixed by the end of
23 the journey.

24 **BY MS. JOINER:**

25 Q. Are you a heavy drinker, Mr. Houcke?

1 A. No, I just drink occasionally.

2 Q. If you look at paragraph 27, is it true that
3 elephants have torn ear flaps caused by bullhook?

4 A. No, it is not true.

5 Q. Are there any elephants that were on the Red
6 Unit while you are there that had arthritis?

7 A. Yes, Banana.

8 Q. Is Banana the only one?

9 A. Yes.

10 Q. Was the vet taking care of Banana?

11 A. Yes, they knew about it, and we used to rub
12 cream on it.

13 Q. Which elephant had a medical condition that
14 was some kind of tear between her bladder and rectum?

15 **MS. MEYER: Objection. No foundation.**

16 **THE WITNESS:** Sarah.

17 **BY MS. JOINER:**

18 Q. Sarah was the elephant?

19 A. Yes.

20 Q. And again was she being treated by the vets
21 for that?

22 A. She was not treated by the vet, but we
23 cleaned her every day; but the vet knew about it,
24 because it is very old.

25 Q. How often did you clean her?

1 traumatic experience for me and left
2 me in a nervous wreck".

3 Do you see that?

4 **A.** Yes, I see it.

5 **Q.** Did you ever observe any behavior by
6 Ms. Archele Hundley --

7 **A.** No.

8 **Q.** Let me finish the question.

9 **A.** Sorry.

10 **Q.** -- where she appeared nervous or upset; did
11 you ever see that?

12 **A.** No.

13 **Q.** If you look at paragraph 5, is it true that
14 you told Ms. Hundley:

15 "If you do not like it, pack your
16 bags"?

17 **A.** No, I never.

18 **Q.** Did Ms. Hundley ever voice concerns to you
19 about animals' abuse?

20 **MS. MEYER:** Objection; hearsay.

21 **BY MS. JOINER:**

22 **Q.** Did you ever warn Ms. Hundley not to show
23 affection towards animals?

24 **A.** No, the opposite. I would push her for it.
25 I would encourage her.

1 Q. Why would you encourage affection towards
2 the animals?

3 A. The animals (inaudible) their own people and
4 to make them feel good too.

5 Q. Does showing affection towards an animal
6 change in any way its response to you?

7 A. No, not at all.

8 **MS. MEYER: Objection.**

9 **BY MS. JOINER:**

10 Q. If you look at paragraph 6, this concerns
11 the incident in Tulsa. Is it true that three
12 elephants got into a fight in Tulsa?

13 A. No.

14 Q. Did Banana get into an elephant fight in
15 Tulsa?

16 A. Not at all.

17 Q. Did Tonka get into an elephant fight in
18 Tulsa?

19 A. No; and it is not possible.

20 Q. What do you mean by "it is not possible"?

21 A. Because we had three pens, and Banana and
22 Tonka, they are completely different pens. In one
23 pen is Banco, Toby, Siam, Baby; in the other pen is
24 Banana, Sarah, Assam; and in the third pen it's Asia,
25 Tonka, Luna. I mean, Tonka, Luna, they are in

1 videotaped --

2 **MS. MEYER:** Objection.

3 **BY MS. JOINER:**

4 **Q.** Go ahead.

5 **A.** -- who videotaped Red Unit, and they
6 followed us on the animal walk -- two people.

7 **Q.** How many people were videotaping in Oklahoma
8 City?

9 **A.** Two.

10 **Q.** And what happened with one or two
11 videographers during the animal walk?

12 **MS. MEYER:** Objection.

13 **BY MS. JOINER:**

14 **Q.** In Oklahoma City?

15 **MS. MEYER:** Objection.

16 **THE WITNESS:** The one, he was behind me, the
17 further behind me, then I stopped elephants because I
18 was ahead with the three first elephants; and I stop
19 so the other one could catch up, and they stop and
20 suddenly I walk back to see if they were coming, and
21 then suddenly I felt somebody behind me, and it's
22 this guy screaming about me, that I am harassing him.
23 And then the police was there straightaway and took
24 him away, because he was not allowed to be there by
25 the elephants.

1 MS. MEYER: Objection, nonresponsive, move
2 to strike.

3 BY MS. JOINER:

4 Q. Is it true that you intentionally brought
5 two elephants, one named Luna and one named Tonka, to
6 just inches within a PETA staffer during the animal
7 walk in Oklahoma City?

8 A. No. I called the elephants...

9 MS. MEYER: Objection. Leading, compound
10 question.

11 BY MS. JOINER:

12 Q. Go ahead.

13 A. I called the elephant towards me to face me,
14 but not to walk any further. I was in front of the
15 elephants.

16 Q. Paragraph 8, is it true that you have a
17 violent temper?

18 A. No.

19 Q. Is it true that you have beat the animals on
20 Red Unit?

21 A. No.

22 Q. Is it true that you have threatened
23 employees on the Red Unit with physical violence?

24 A. No.

25 Q. If you look at paragraph 10, this is still

1 A. They are loose and they stay in the paddock,
2 and free all day.

3 Q. Was there an elephant on the Red Unit that
4 was lame?

5 A. Yes, Banana, she had -- yes, Banana.

6 Q. And --

7 A. From the arthritis.

8 Q. From the arthritis; okay.

9 A. Yes.

10 Q. So did she get stiff when she was standing
11 around?

12 A. Yes.

13 **MS. MEYER: Objection.**

14 **BY MS. JOINER:**

15 Q. I am looking by the way at paragraph 23.

16 A. (Perused document).

17 Q. This is when she stands still a little bit,
18 its leg gets stiff, and as soon as they walk again,
19 then it's okay.

20 So is it true that the elephant got worse on
21 days when there were two or three performances?

22 A. No, on the opposite, the more they moved the
23 better.

24 Q. If you look at paragraph 24, is it true that
25 Ringling always knew when the USDA were, was for

1 inspection?

2 **A.** The USDA always tell the General Manager
3 they are going to come. And it can be an hour before
4 or it can be -- they always announce themselves, and
5 then the General Manager used to call me to do the
6 tour with him of the animals.

7 **Q.** How often did the USDA come for inspection?

8 **A.** It depends, maybe a week, maybe three weeks
9 -- depends on the town.

10 **Q.** And in addition to the USDA coming, did any
11 other State or local authorities come?

12 **A.** Yes, and inspectors. Sometimes also the
13 veterinary from the town.

14 **Q.** And do you know what the difference is
15 between an inspection and an investigation?

16 **MS. MEYER: Objection.**

17 **THE WITNESS:** I think so.

18 **BY MS. JOINER:**

19 **Q.** If you turn next please to paragraph 32, is
20 it true you told Carey to put records in Bob Tom's
21 personnel files?

22 **A.** No.

23 **Q.** Did you ever tell Carey to make up false
24 records for Bob Tom because he complained about the
25 animals?

1 **A.** No.

2 **Q.** Did you ever hear about anybody making up
3 false employment records for Bob Tom?

4 **A.** No.

5 **MS. MEYER:** **Objection.**

6 **BY MS. JOINER:**

7 **Q.** If you look at paragraph 39, it is
8 referencing the train ride from Worcester,
9 Massachusetts, to Tulsa, Oklahoma; do you see that?

10 **A.** Yes.

11 **Q.** During that train ride from Worcester to
12 Tulsa, did the Circus Train stop twice a day, as you
13 previously described?

14 **A.** Yes; stopped twice a day, and we stop one
15 time to muck out the train cars.

16 **MS. JOINER:** At this point, Kathy, I want to
17 take a break and check my notes. I think I'm done.

18 **MS. MEYER:** Okay.

19 **MS. JOINER:** But I just want to check that,
20 so if we can take like five minutes and then I will
21 come back.

22 **MS. MEYER:** If I am going to start my
23 examination after that, why don't we take a
24 ten-minute break so I can look over my notes too, so
25 we do not have to take another break.

1 MS. JOINER: Sure.

2 MS. MEYER: See you in ten minutes.

3 MS. JOINER: Okay. Thank you.

4 (Break 2:20 p.m. to 2:37 p.m.)

5 BY MS. JOINER:

6 Q. Just a couple more questions, Mr. Houcke.

7 If you would look back again at Exhibit 1 --

8 A. Yes.

9 Q. -- marked LL, and if you turn back to
10 paragraph 5.

11 A. Yes.

12 Q. Have you found that?

13 A. Uh-huh.

14 Q. The last two sentences say:

15 "I have observed Antonio and Sacha
16 aggressively and regularly hooking
17 elephants for no apparent reason.
18 This aggressive hooking takes place
19 on a daily basis".

20 A. No, it's not true.

21 Q. Is that true?

22 A. No.

23 Q. What happens if an elephant is hooked on a
24 daily basis?

25 MS. MEYER: Objection.

1 **THE WITNESS:** If you mistreat the elephant on
2 a daily basis then he won't work for you and he will
3 try to avoid you.

4 **BY MS. JOINER:**

5 **Q.** So if they are mistreated on a daily basis,
6 what would they do when you try to take them in for a
7 performance?

8 **MS. MEYER:** Objection.

9 **THE WITNESS:** They would try to walk away
10 from you.

11 **BY MS. JOINER:**

12 **Q.** Do you consider showing affection to the
13 elephants to be a weakness?

14 **MS. MEYER:** Objection.

15 **THE WITNESS:** No, opposite.

16 **BY MS. JOINER:**

17 **Q.** It is the opposite?

18 **A.** Yes.

19 **Q.** Okay. I think did you said earlier you
20 encourage --

21 **A.** Yes, I encourage --

22 **Q.** -- to show affection?

23 **A.** -- affection to the animals.

24 **MS. MEYER:** Objection.

25 ///

1 BY MS. JOINER:

2 Q. Why is that?

3 A. To have a good contact with them and to make
4 them know that you are their friend.

5 Q. And do you agree with the statement that
6 elephants will hurt you if you show them affection?

7 A. No, not at all.

8 MS. MEYER: Objection.

9 BY MS. JOINER:

10 Q. And do you agree with the statement that the
11 elephants will take advantage of you if you show them
12 affection?

13 A. Not at all.

14 MS. MEYER: Objection.

15 BY MS. JOINER:

16 Q. Did you ever say to anybody on the Red Unit
17 that affection is a weakness?

18 A. No.

19 MS. MEYER: Objection.

20 BY MS. JOINER:

21 Q. Did you ever say to anybody on the Red Unit
22 that the elephants will hurt you if you show
23 affection?

24 A. No.

25 MS. MEYER: Objection.

1 BY MS. JOINER:

2 Q. How do the elephants respond to affection.

3 MS. MEYER: Objection.

4 THE WITNESS: They come up to -- they will
5 put their head down, they come up to get a stroke,
6 they come up to get affection from you. They will do
7 it and come up to you if you give them enough
8 affection. With the time they knew you are good for
9 them and they will come up to you.

10 BY MS. JOINER:

11 Q. And when you say give them affection, what
12 does that mean, how do you give them affection?

13 A. Give them something, some food, give them
14 something to eat, like an apple, banana, and I use
15 treats.

16 Q. Is there any difference in their reaction
17 between if you give an elephant affection and if you,
18 as they put in paragraph 5, aggressively hook them?

19 A. Yes.

20 MS. MEYER: Objection. Leading, compound
21 question.

22 BY MS. JOINER:

23 Q. What is the difference in an elephant's
24 reaction between giving them affection and hooking
25 them every day?

1 MS. MEYER: Objection, Leading, compound
2 question.

3 BY MS. JOINER:

4 Q. Go ahead.

5 A. If you give them affection, they respond
6 much better to you.

7 Q. Earlier you said that the General Manager
8 told you when the USDA was coming?

9 A. Yes, he used to tell -- call me, tell me
10 USDA is coming, to be present to do the tour and talk
11 about the animals, because I was the one who knew the
12 animals.

13 Q. Which General Manager told you that?

14 A. Like at the beginning it was Mark Gaipo.

15 Q. And what was the time increment between when
16 Mr. Gaipo told you they were coming and when the USDA
17 actually arrived?

18 MS. MEYER: Objection, hearsay.

19 THE WITNESS: It could have been ten
20 minutes, half an hour.

21 MS. JOINER: Okay, that is all I have at
22 this point, Kathy.

23 MS. MEYER: Just give me 30 seconds here.

24 THE VIDEOGRAPHER: Shall we go off the
25 record?

1 Q. And you did not have to pay for that; did
2 you?

3 A. No, it was in the contract.

4 Q. And did you also receive health benefits
5 when you worked at Feld Entertainment for 6 years?

6 A. Yes.

7 Q. Are you married, Mr. Houcke?

8 A. I am divorced.

9 Q. Were you married at the time you worked for
10 Feld Entertainment?

11 A. No.

12 Q. And you have two daughters who also work for
13 Feld Entertainment; is that correct?

14 A. It's correct.

15 Q. Their names are Sarah and Karen; is that
16 correct?

17 A. It is correct.

18 Q. And Sarah is the older daughter; is that
19 correct?

20 A. Correct.

21 Q. And does she still work at Feld
22 Entertainment?

23 A. No.

24 Q. When did she work at Feld Entertainment?

25 A. From '99 to 2004 I think.

1 Q. And what were her responsibilities at Feld
2 Entertainment?

3 A. She used to present the tigers on the Blue
4 Unit.

5 Q. I am sorry, she worked with the tigers on
6 the Blue Unit; is that what you said?

7 A. Correct.

8 Q. Did she work on the Blue Unit the entire
9 time she worked for Feld Entertainment?

10 A. No. She started on the Red. And then she
11 started the season on the Blue in 2000.

12 Q. So she worked at the Red Unit in 1999 to
13 2000; is that correct?

14 A. Yes; not all the time, she was on and off.

15 Q. Did she work with the tigers on the Red Unit
16 as well?

17 A. No.

18 Q. What did she do on the Red Unit?

19 A. She went over and she presented the horses,
20 and then middle of the summer she left to go practice
21 with the tigers.

22 Q. And when she worked for Feld Entertainment
23 between 1999 and 2004, your daughter Sarah also
24 received a salary; is that correct?

25 A. Correct.

1 Q. Do you know what her salary was?

2 A. No.

3 Q. And did she also receive a place to live
4 when she worked at Feld Entertainment?

5 A. No, she had her own trailer.

6 Q. Did Feld Entertainment provide her trailer
7 too?

8 A. No, she bought it.

9 Q. Did she receive health benefits when she
10 worked at Feld Entertainments --

11 A. Yes.

12 Q. -- between '99 and 2004?

13 A. Yes.

14 Q. And you also have a younger daughter named
15 Karen; is that correct?

16 A. Correct.

17 Q. And does Karen also, does she work at Feld
18 Entertainment presently?

19 A. Yes, she is by Ringling Brothers on the Red
20 Unit.

21 Q. How long has she worked for Feld
22 Entertainment?

23 A. It would be 7 years now.

24 Q. 7 years?

25 A. Yes.

1 Q. And what are her responsibilities for Feld
2 Entertainment?

3 A. Working with the horses.

4 Q. Anything else?

5 A. Presenting the zebras.

6 Q. Anything else?

7 A. No.

8 Q. When did she begin working for Feld
9 Entertainments?

10 A. November 2000, same time as I did.

11 Q. Did you help her get a job on the Red Unit?

12 A. Sorry?

13 Q. Did you help her get a job on the Red Unit.

14 A. It made the contract with me and my
15 daughter, yes.

16 Q. So the contract that you entered into
17 covered both you and your daughter Sarah, is that
18 correct.

19 A. Karen.

20 Q. I am sorry, Karen.

21 A. Yes, correct.

22 Q. And how long was her contract for, her term
23 of employment?

24 A. Now she is there and she is supposed to stay
25 for the next tour.

1 Q. And Karen, during her time at Feld
2 Entertainment, also received a salary; is that
3 correct?

4 A. Correct.

5 Q. How old is Karen?

6 A. She is 24.

7 Q. And how long was she when she began working
8 for Feld Entertainment?

9 A. 17.

10 Q. How old was Sarah when she began working at
11 Feld Entertainment?

12 A. I think she was -- (Pause) 19.

13 Q. And does Karen receive a salary from Feld
14 Entertainment?

15 A. Yes.

16 Q. Does she receive health benefits as well?

17 A. Yes.

18 Q. Do you have any other family members who
19 currently work at Feld Entertainment?

20 A. No.

21 Q. Do you have any family members who ever
22 worked at Feld Entertainments, other than Sarah and
23 Karen?

24 A. It depends -- Feld Entertainment, no.

25 Q. Do you have any family members who ever

1 worked for the Ringling Brothers Circus?

2 A. For Ringling Brothers, yes.

3 Q. Who?

4 A. My Auntie Nadia in 1953, '4 and '6 -- '3, '4
5 and '5.

6 Q. I am sorry, I did not hear that answer.

7 Could you repeat that?

8 A. In 1954, '5 and '6.

9 Q. Who was that?

10 A. My Aunt Nadia.

11 Q. What did your Aunt Nadia do for the Ringling
12 Brothers Circus?

13 A. Horses.

14 Q. She worked with the horses?

15 A. Yes.

16 Q. Any other family members who ever worked for
17 Ringling Brothers Circus?

18 A. No.

19 Q. You mentioned that your daughter Sarah
20 worked for the Blue Unit for some period of time; is
21 that correct?

22 A. Yes.

23 Q. When was that?

24 A. From 2000 to 2004.

25 Q. Did she have responsibilities for the

1 elephants when she worked on the Blue Unit?

2 A. No, she worked with the elephants but she
3 had no responsibility for the elephants.

4 Q. When you say she worked with the elephants,
5 what do you mean?

6 A. Present them in the ring.

7 Q. Did you ever have an opportunity to observe
8 her presenting them in the ring when she worked for
9 the Blue Unit?

10 A. Yes.

11 Q. How many times did you have the opportunity
12 to observe her present the elephants in the ring when
13 she worked for the Blue Unit?

14 A. I don't recall. I don't remember, but a
15 couple of times.

16 Q. Do you remember what year you had an
17 opportunity to observe her working with the elephants
18 at the Blue Unit?

19 A. Yes, every year, at least one time every
20 year.

21 Q. Okay. So at least one time every year
22 between 2000 and 2004; is that correct?

23 A. Correct.

24 Q. Did you have an opportunity to observe any
25 other employees at the Blue Unit who worked with the

1 elephants?

2 A. No.

3 Q. You only observed your daughter working with
4 the elephants when she left to the Blue Unit?

5 A. Yes.

6 Q. And did your daughter Sarah learn how to
7 handle elephants from you?

8 A. With me, yes.

9 Q. Is it fair to say that she uses the same
10 technique that you use to handle elephants?

11 A. Yes.

12 MS. JOINER: Objection to form.

13 BY MS. MEYER:

14 Q. And based on your observation of the Blue
15 Unit, are the elephants at the Blue Unit treated the
16 same as the elephants at the Red Unit?

17 A. Yes.

18 MS. JOINER: Objection to form, lack of
19 foundation.

20 BY MS. MEYER:

21 Q. You are being deposed here today voluntarily
22 at the request of Feld Entertainment; is that
23 correct?

24 A. Correct.

25 Q. And you did not have to be subpoenaed to

1 provide your testimony today; is that correct?

2 A. Sorry, I didn't understand the question?

3 Q. You did not have to be served with a
4 subpoena to provide the testimony you are giving
5 today for Feld Entertainment; is that correct?

6 A. It is correct.

7 Q. And are you being compensated by anyone for
8 the time you spent for being present for this
9 deposition?

10 A. No.

11 Q. Has anyone asked you whether you could come
12 back to the United States to provide deposition
13 testimony in this case?

14 A. No.

15 Q. No one asked you whether or not you would be
16 willing to come to the United States for a
17 deposition?

18 A. No.

19 Q. And has anyone asked you whether or not you
20 would be willing to come back to the United States to
21 testify, if there is a trial in this case?

22 A. No, and I can't --

23 Q. Sorry?

24 A. I can't anyhow, because my contract -- I
25 work -- I am working here in France and I cannot

1 speculation. Asked and answered.

2 **THE WITNESS:** I would not go back to the
3 States.

4 **BY MS. MEYER:**

5 **Q.** Are you saying you will never come back to
6 the United States?

7 **A.** Yes, I will go back on a holiday or
8 something, but I don't have time to go back now, and
9 I will not have time to go back for the next two
10 years.

11 **Q.** If the trial in this case could be scheduled
12 for a time when you could take a holiday from your
13 job, you would be willing to come back to the United
14 States and testify on behalf of Feld Entertainment,
15 if I they asked you to; is that correct?

16 **MS. JOINER:** Objection. Asked and answered.
17 Argumentative. Misstates prior testimony.

18 **THE WITNESS:** Yes.

19 **BY MS. MEYER:**

20 **Q.** Do you have any present plans to return to
21 the United States?

22 **A.** No.

23 **Q.** And what did you do to prepare for this
24 deposition?

25 **A.** Nothing, nothing in particular.

1 Q. Did you discuss the questions that might be
2 asked of you with anyone?

3 A. We just went through, last night, at dinner
4 we went through what I am getting accused of, just to
5 say that I do not agree with it, just to know what I
6 am getting accused of.

7 Q. And when you say "we went through it," who
8 was present at this meeting?

9 A. Lisa Joiner and Julie Strauss.

10 Q. Was the attorney from Hughes Hubbard and
11 Reed also there?

12 A. Yes.

13 Q. You consider Ms. Joiner to be your attorney
14 representing you in this matter?

15 A. No.

16 Q. You consider Ms. Strauss to be your attorney
17 representing you in this matter?

18 A. No.

19 Q. You consider the attorney from Hughes
20 Hubbard and Reed to be your attorney representing you
21 in this matter?

22 A. No.

23 Q. So what was discussed at dinner?

24 MS. JOINER: Objection, asked and answered.

25 THE WITNESS: Just what they are talking

1 about in those papers.

2 BY MS. MEYER:

3 Q. Who took the lead of the three lawyers in
4 asking you questions?

5 MS. JOINER: Objection to form.

6 THE WITNESS: They just showed me the paper
7 and said what I thought about it, that is all.

8 BY MS. MEYER:

9 Q. Which papers did they show you?

10 A. This Exhibit 1 and 2.

11 Q. Did the lawyers show you any other
12 documents?

13 A. No.

14 Q. And what did the lawyers say they thought
15 you would be asked in this deposition by me?

16 A. They just asked me to go through it and
17 think about it, that is all.

18 Q. Did they tell you what they thought I might
19 ask you in this deposition?

20 A. No idea.

21 Q. They did not discuss with you at all the
22 kind of questions that I might ask you at this
23 deposition?

24 A. No, no.

25 Q. Are you taking a day off from work to take

1 this deposition?

2 A. Yes.

3 Q. How did you obtain a day off from work?

4 A. Luckily that we have no show today.

5 Q. Did you consider hiring an attorney to
6 represent you at this deposition?

7 A. No.

8 Q. When did you say you left your employment
9 with Feld Entertainment?

10 A. November 2006.

11 Q. And why did you leave?

12 A. Because I wanted to come back to France.

13 Q. There were no other reasons why you left
14 your employment with Feld Entertainment in November
15 2006?

16 A. No.

17 Q. Were you asked to leave Feld Entertainment
18 by anyone at Feld Entertainment?

19 A. No, I left on my own will. I had been asked
20 to stay -- different.

21 Q. You were asked to stay?

22 A. They asked me to stay and I said, "no, I
23 want to leave".

24 Q. Who asked you to stay?

25 A. Mr. Holst.

1 "yes," that's it, it's over. No conversation
2 about --

3 Q. I am sorry?

4 A. I said they asked me and I told them I am
5 leaving, but it was not -- I did not tell them the
6 whole story. I just said "I am leaving, it's
7 finished".

8 Q. Did they ask you why you were leaving?

9 A. I said I wanted to go back to Europe.

10 Q. Did they try to convince you to stay?

11 A. Some of them, yes, they wanted me to stay.

12 Q. Who was that?

13 A. Like Jimmy Strickland, Pista, Kelly -- most
14 of them.

15 Q. When you were employed by Feld
16 Entertainment, did you have an e-mail account that
17 you used?

18 A. My private, yes.

19 Q. Did you have any communications over your
20 e-mail account about your decision to leave the Red
21 Unit in November 2006?

22 A. No.

23 Q. None?

24 A. None.

25 Q. Did the termination of your employment with

1 Q. I am sorry. During what time period did
2 Carey Coleman work on the Red Unit?

3 A. She worked about a year before I left.

4 Q. Was it the year 2006?

5 A. Yes, 2006, yes.

6 Q. Was she still employed on the Red Unit when
7 you left?

8 A. Yes, she was.

9 Q. And do you know whether she is still
10 employed by Feld Entertainment?

11 A. I think so, yes, she's still.

12 Q. Do you know where she is employed?

13 A. In Feld Entertainment as veterinary
14 technician on the Red Show.

15 Q. When you worked on the Red Unit, you had an
16 opportunity to see how the elephants were maintained
17 on the train as the Circus travelled from city to
18 city, is that correct?

19 A. Yes, correct.

20 Q. You know that the elephants were kept on
21 chains when they were on the train; is that correct?

22 A. They are.

23 Q. Did you travel on the train with the
24 animals?

25 A. The first 4 years I travelled on the

1 out"?

2 A. No, just to lay down, not stretch out.

3 Q. Is it sometimes referred to as "tie out"?

4 A. Just lay down.

5 Q. And did the discipline also involve making
6 the elephants put their trunks up?

7 A. Yes.

8 Q. And did it also involve making them hold
9 that position for some period of time?

10 A. Yes.

11 Q. And how long did you require the elephants
12 to hold that position?

13 MS. JOINER: Objection to form.

14 THE WITNESS: 30 second, 40 second.

15 BY MS. MEYER:

16 Q. That's all?

17 A. Yes.

18 Q. And who was present during the disciplining
19 of the elephants -- let me ask you, actually -- you
20 say Mr. Vargas, Alex Vargas, was present; is that
21 correct?

22 A. Yes, correct.

23 Q. And you said Pista was present; is that
24 correct?

25 A. Correct.

1 Q. And I think you said Jimmy Strickland was
2 also present; is that correct?

3 A. Yes.

4 Q. You said Archele Hundley was present; is
5 that correct?

6 A. She could have been, she was outside the
7 barn, yes.

8 Q. I think you said that Mr. Robert Tom was
9 also present; is that correct?

10 A. He was there, yes.

11 Q. Sorry?

12 A. Yes.

13 Q. Was there an individual named David Hackett
14 who was present while you were disciplining the
15 elephants?

16 A. Who?

17 Q. David Hackett?

18 A. I forgot, I do not know. I don't remember
19 him.

20 Q. Okay. How about a person named Garrison
21 Christiansen, was he present during the time you were
22 disciplining the elephants?

23 A. It is possible. He was there at this time.

24 Q. Do you know Garrison Christiansen is?

25 A. Yes, I remember him.

1 Q. Who was he?

2 A. A young kid.

3 Q. Where did he work, did he work on Red Unit?

4 A. Yes, in the horse barn.

5 Q. And so he was at the horse crew at the time
6 you were disciplining the elephants; is that correct?

7 A. Yes.

8 Q. I think you testified that most of the horse
9 crew was watching while you were disciplining the
10 animals; is that correct?

11 A. Most probably they were watching, yes.

12 Q. So Mr. Christiansen may have seen you
13 disciplining the elephants as well?

14 A. It is possible, yes.

15 MS. JOINER: Objection, calls for
16 speculation.

17 BY MS. MEYER:

18 Q. And somebody named Howard, you say, was also
19 present during this time?

20 A. I don't remember Howard was there.

21 Q. Okay. Someone named Sigi was present; is
22 that correct?

23 A. No, he was not there.

24 Q. But Mr. Vargas was present; is that correct?

25 A. Yes.

1 **A.** It depends.

2 **Q.** Was it a daily occurrence?

3 **A.** Could have been.

4 **Q.** And is it your testimony that you never made
5 an elephant bleed as a result of hitting it with a
6 bullhook when you worked on the Red Unit?

7 **A.** Exactly.

8 **Q.** So if anyone testified that they saw you hit
9 an elephant with a bullhook and then saw a bloody
10 wound on that elephant, they would be mistaken or
11 lying; is that correct?

12 **A.** Mistaken.

13 **MS. JOINER:** Objection. Argumentative.
14 Calls for speculation.

15 **BY MS. MEYER:**

16 **Q.** Sorry. When you worked on the Red Unit, did
17 you ever hit an elephant with a whip?

18 **A.** No.

19 **Q.** Did you carry a whip when you worked on the
20 Red Unit?

21 **A.** No.

22 **Q.** You never used a whip at all when you worked
23 on the Red Unit?

24 **A.** No, not with the elephants.

25 **Q.** Did you use the whip with the horses?

1 A. Yes.

2 Q. Did you use the whip with the camels?

3 A. Yes.

4 Q. Did you ever whip a horse with a whip --

5 A. No.

6 Q. -- when you worked on the Red Unit?

7 A. No.

8 Q. You never used your whip on a horse; is that
9 correct?

10 A. The whip is a prolongation of my arm. I
11 touched them with the whip to give them command and
12 signs.

13 Q. So you touched the horses with the whip --

14 A. I touched them, exactly. Because for me
15 there is a big difference between hitting and
16 touching.

17 Q. Okay. I did not ask about hitting, I asked
18 about whether or not you whipped a horse with the
19 whip when you worked on the Red Unit? What's the
20 answer to that question?

21 A. I do not whip a horse.

22 Q. But you touched a horse?

23 A. Touched, yes.

24 Q. When you say touched the horse with the
25 whip, you touched the horse with the end of the whip?

1 A. Yes.

2 Q. Explain to me how you do that?

3 A. I give a command to the horse, and then I
4 let my whip go to touch the horse. If I was near the
5 horse, I would touch him with my hand, but the horse
6 is 15 feet away from me. Then I have to have a
7 prolongation of my arm, that is the whip, and I touch
8 the horse. And if you came to see me practice or you
9 take an interest in our job, you would come to see us
10 do this trick, do this, and then you would understand
11 what I am talking about.

12 Q. And where on the body of the horse would you
13 touch the horse with the whip when you worked on the
14 Red Unit?

15 A. Sorry?

16 Q. Where on body of the horse would you touch
17 the horse with the whip when you worked on the Red
18 Unit?

19 A. It depends what I want to tell him.

20 Q. Can you give me some examples of where --

21 A. If I want --

22 Q. Just let me finish my question.

23 Give me some examples of where on body of
24 the horse would you touch the horse with the whip
25 when you worked on the Red Unit?

1 A. If I want him to go out, I'll touch him on
2 the shoulder. If I want him to come to me, I touch
3 him on under the stomach. If I want him to go
4 forward, I touch him by the butt.

5 Q. Did you ever use the whip on a camel when
6 you worked at the Red Unit?

7 A. It is possible.

8 Q. And did you also have physical contact
9 between your whip and the camel when you worked on
10 the Red Unit?

11 A. If I did move the camel forward, or
12 whatever, I had to touch the camel -- I did, yes.

13 Q. And when you worked on the Red Unit did you
14 ever cause an abrasion on an elephant through the use
15 of your bullhook?

16 A. No.

17 MS. JOINER: Objection to form.

18 BY MS. MEYER:

19 Q. Did you ever cause an abrasion to an
20 elephant through the use of your whip when you worked
21 on the Red Unit?

22 A. No.

23 MS. JOINER: Objection to form.

24 BY MS. MEYER:

25 Q. As the Director of Animal Care at the Red

1 Unit, you had the responsibility for ensuring that
2 the elephants received proper medical care if they
3 were injured; is that correct?

4 A. Correct.

5 Q. And did you have responsibility for making
6 sure that the elephants would receive such care from
7 a veterinary?

8 A. Yes.

9 Q. And you said that as a result of the
10 incident in Tulsa that both Baby and Banco were
11 bleeding as a result of fighting with each other; is
12 that correct?

13 A. Correct.

14 Q. You said they had cuts on their bodies?

15 A. On their forehead and Banco on the back from
16 the tusks.

17 Q. And they were both bleeding; is that
18 correct?

19 A. Yes, uh-huh.

20 Q. And did you obtain medical care for the
21 elephants for this situation?

22 A. Yes. Carey Coleman came with me, brought me
23 the medicine, the disinfection.

24 Q. I am sorry, I didn't hear that.

25 A. Carey Coleman brought me the stuff to put

1 on, the methadene, in fact.

2 Q. Okay. Anyone besides Carey Coleman treated
3 the elephants for the injuries that were caused
4 during this fight?

5 A. No.

6 Q. That was it?

7 A. Yes.

8 Q. And did Ms. Coleman record the treatment of
9 the elephants for these injuries in the medical
10 records for these animals?

11 MS. JOINER: Objection, lack of foundation.

12 THE WITNESS: This I do not know.

13 BY MS. MEYER:

14 Q. Would that have been the normal procedure at
15 the Red Unit while you were the Director of Animal
16 Care, that if an animal were treated for bloody cuts,
17 that treatment would be recorded in the medical
18 records?

19 MS. JOINER: Objection, lack of foundation.

20 THE WITNESS: Yes.

21 BY MS. MEYER:

22 Q. Did you have any e-mail communications with
23 anyone concerning the incident in Tulsa, Oklahoma,
24 that we have been speaking about?

25 A. No.

1 Q. You said Mr. Mark Gaipo was your superior at
2 the Red Unit from 2000 to 2006; is that correct?

3 A. Correct.

4 Q. What was his title?

5 A. General Manager.

6 Q. I am sorry?

7 A. General Manager.

8 Q. General Manager.

9 And did Mr. Gaipo as General Manager have
10 the opportunity to observe on a daily basis how the
11 elephants were handled by you when you worked at the
12 Red Unit?

13 A. Of course.

14 Q. Did he have an opportunity to observe on a
15 daily basis how the elephants were handled by
16 Mr. Vargas?

17 A. Yes.

18 Q. Did he have an opportunity to observe on a
19 daily basis how the elephants were handled by other
20 Feld Entertainment employees who had responsibility
21 for handling the animals?

22 A. Most probably.

23 Q. And he had an opportunity to observe the
24 handlers on a daily basis; is that correct?

25 A. Yes.

1 Q. And that would include the opportunity to
2 observe Jimmy Strickland handling the elephants; is
3 that correct?

4 A. Correct.

5 Q. And Mr. Gaipo would have had an opportunity
6 on a daily basis to observe how Pista handled the
7 elephants; is that correct?

8 A. Correct.

9 Q. And you said Mr. Griggs was the General
10 Manager in the year 2006; is that correct?

11 A. Yes, correct.

12 Q. And would Mr. Griggs have also had the
13 opportunity during the time he was at the Red Unit to
14 observe you on a daily basis handling the elephants?

15 A. Yes.

16 Q. And he would have had an opportunity to
17 observe on a daily basis how the other elephant
18 handlers handled the elephants; is that correct?

19 A. Correct.

20 Q. That would include how Jimmy Strickland
21 handled the elephants?

22 A. Yes.

23 Q. And that would include how Pista handled the
24 elephants; is that correct?

25 A. Yes.

1 Q. Mr. Griggs would have also had an
2 opportunity on a daily basis to observe how
3 Mr. Vargas handled the elephants; is that correct?

4 A. Correct.

5 Q. And while you worked on the Red Unit,
6 Mr. Gaipo, during 2000 to 2005, would have also had
7 an opportunity to observe the elephants' daily
8 routine; is that correct?

9 A. Correct.

10 Q. And he would have had an opportunity to see
11 the elephants on chains; is that correct.

12 A. Yes.

13 Q. And he would have had an opportunity to
14 observe how long the elephants were on chains; is
15 that correct?

16 A. Correct.

17 Q. And he would have had the opportunity to see
18 them on chains during the day when they were chained
19 during the day; is that correct?

20 A. They were loose during the day. They were
21 just chained up in the night, and in the morning when
22 we washed them; in the night, overnight, when we
23 finished the show, and then in the morning everybody
24 came at 8 o'clock and at 9.30 they were all chained
25 off.

1 Q. There wouldn't be a show every single day,
2 was there, when you worked on the Red Unit?

3 A. Nearly every day.

4 Q. There were some days when there was no show;
5 is that correct?

6 A. Correct.

7 Q. On the day when there was no show, when
8 would the elephant be chained for the night?

9 A. Yes, every day they were chained up for the
10 night.

11 Q. What time would that be, on a day when there
12 was no show, what time were they chained?

13 A. At night around 9/10 -- 9 o'clock/10 o'clock
14 at night until the next morning.

15 Q. And you said that they were on chains when
16 they were being bathed in the morning; is that
17 correct?

18 A. Yes.

19 Q. And Mr. Gaipo, when he was the unit, General
20 Manager for the Red Unit would have had an
21 opportunity when he worked during 2000 to 2005 to see
22 the elephants on chains when they were being bathed;
23 is that correct.

24 A. Yes.

25 Q. And he would have had an opportunity to see

1 them on chains during the night when they were
2 chained; is that correct?

3 A. Correct.

4 Q. He would have had an opportunity to see them
5 on chains on the railway cars; is that correct?

6 A. Correct.

7 Q. Mr. Griggs, when he was the General Manager
8 of the Red Unit, he would have had an opportunity
9 also on a daily basis to see the animals chained
10 during their bathes; is that correct?

11 A. Yes.

12 Q. And Mr. Griggs would also have had an
13 opportunity to see them on chains during the night;
14 is that correct?

15 A. Correct.

16 Q. And he would also have had an opportunity to
17 see them on chains when they were on the railway
18 cars; is that correct?

19 A. Correct.

20 THE VIDEOGRAPHER: Excuse me, we need to go
21 off the record to change the tape.

22 MS. MEYER: Okay.

23 (Break 3:38 p.m. to 3:40 p.m.)

24 BY MS. MEYER:

25 Q. Mr. Houcke, you mentioned earlier in your

1 were there?

2 A. Yes.

3 Q. Did you see the adult elephants in the barn?

4 A. No, they were all outside.

5 Q. When did you go to see them? Do you
6 remember what time of day it was?

7 A. I went -- it was when we had the break in
8 December or so, like that.

9 Q. Do you remember what time of day you went to
10 see them?

11 A. I must have left early in morning, and then
12 I arrived there maybe around 10/11, and left around
13 12; and --

14 Q. Did you have -- I am sorry -- did you have
15 an opportunity to observe how the elephants at the
16 CEC were handled by the handlers there?

17 A. No, because they were all in pens.

18 Q. And in response to a question from
19 Ms. Joiner, you said that you did not have a violent
20 temper; is that correct?

21 A. Correct, yes.

22 Q. You have been arrested for assaulting your
23 daughter; have you not?

24 A. Correct.

25 Q. And this arrest for assault occurred in

1 University Park, Pennsylvania, in April of 2005; is
2 that correct?

3 A. Correct.

4 Q. And this arrest occurred during a time when
5 the Red Unit was performing at the Bryce Jordan
6 Center; is that correct?

7 A. It is correct.

8 Q. And you entered a guilty plea in connection
9 with that arrest; didn't you?

10 A. Sorry?

11 Q. You entered a guilty plea in connection with
12 that arrested; did you not?

13 A. Yes.

14 Q. Have you read the police report concerning
15 that arrest?

16 A. Yes.

17 Q. And the police report stated that you had
18 been observed by two employees of the Bryce Jordan
19 Center choking your daughter. Isn't that what the
20 police report says?

21 MS. JOINER: Objection, hearsay.

22 THE WITNESS: That is what it says, but it
23 is not correct.

24 BY MS. MEYER:

25 Q. But you read that in the police report;

1 isn't that correct?

2 A. Yes.

3 Q. The police report also states that the two
4 employees at the Bryce Jordan Center saw you punch
5 your daughter in the face during this incident; isn't
6 that correct?

7 MS. JOINER: Objection, hearsay.

8 THE WITNESS: It is correct, but it is not
9 correct. It is correct what it says, but it is not
10 correct.

11 BY MS. MEYER:

12 Q. And which daughter was involved in this
13 incident?

14 A. Karen.

15 Q. And in connection with your guilty plea with
16 respect to this incident, you paid a fine; isn't that
17 correct?

18 A. Correct.

19 Q. Have you been arrested for any other crimes,
20 Mr. Houcke?

21 A. No.

22 MS. MEYER: I just need to take a few
23 minutes to review my notes, and I may be done as
24 well.

25 MS. JOINER: Okay.

(Off the record 3:57 p.m. to 4:02 p.m.)

BY MS. MEYER:

Q. Couple of more questions.

Mr. Houcke, you testified in response to questions from Ms. Joiner that elephants vocalize when they are happy; is that correct?

A. Correct.

Q. They also vocalize when they are in pain; isn't that correct?

A. Could be.

Q. And they also vocalize when they are frightened; is that correct?

A. Yes, they give you a sign, yes, when they are frightened or something, they vocalize.

Q. And if they had been injured they vocalize; won't they?

A. I don't recall any elephant being injured and vocalized.

Q. If an elephant was bleeding profusely from it's body somewhere, would it vocalize?

A. No.

MS. JOINER: Objection, calls for speculation.

BY MS. MEYER:

Q. It would not vocalize?