

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

v

FELD ENTERTAINMENT, INC.,

Defendant.

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) Case No: 03-2006
) (EGS/JMF)
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*** CONFIDENTIAL - ATTORNEYS' EYES ONLY ***

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

CERTIFIED COPY

Reported by: Paul Brincan, 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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(Present via videoconference)

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23 **ALSO PRESENT:**

24 Julie Strauss, In-house Counsel, Feld Entertainment

25 Stephen Faigenbaum, Videographer

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Monday, January 7, 2008, Paris, France

- - -

Sacha Houcke,
having been duly sworn,
was examined and testified as follows:

EXAMINATION

BY MS. JOINER:

Q. Mr. Houcke, would you give us your full name?

A. Sacha Houcke.

Q. Okay. Is there any reason today why you could not testify truthfully and completely?

A. No.

Q. Okay. And at any time, if you do not understand what I am asking, do you agree to stop me for clarification?

A. Yes.

Q. What time period did you work for Ringling Brothers Circus?

A. From November 2000 to November 2006.

Q. What was your title?

A. Animal Care Director and Trainer.

1 Q. And what kind of responsibilities or duties
2 did you have with your job?

3 A. To train the animals, to take care of their
4 welfare and then take care that they were
5 well-treated.

6 Q. Which animals did you work with?

7 A. With the horses, exotics and elephants.

8 Q. Which unit did you work for?

9 A. The Red.

10 Q. Did you ever work for the Blue Unit?

11 A. Never.

12 Q. Did you ever have any contact with any
13 animal that was on the Blue Unit?

14 A. Never.

15 Q. Did you ever work at the Ringling Brothers
16 Center for Elephant Conservation?

17 A. Never.

18 Q. Have you ever handled any of these elephants
19 -- and I am going to have a list of them and you can
20 tell me?

21 A. From the Blue Unit?

22 Q. Yes --

23 A. No.

24 Q. -- I will give the names of them. Are you
25 familiar with an elephant named Karen?

1 A. No.

2 Q. Have you ever worked with an elephant named
3 Nicole?

4 A. No.

5 Q. Have you ever worked with an elephant named
6 Misor?

7 A. No.

8 Q. Have you ever worked with an elephant named
9 Susan?

10 A. No.

11 Q. Have you ever worked with an elephant named
12 Jewel?

13 A. No.

14 Q. Have you ever worked with an elephant named
15 Lucy?

16 A. No.

17 Q. And have you ever worked with an elephant
18 named Zina?

19 A. No.

20 Q. How long have you been working with
21 elephants generally, how many years?

22 A. Nearly over 30 years.

23 Q. Do you have any licences with regard to
24 animal handling?

25 A. Yes, I took a licence in England in 1977.

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 Q. And were you present when this fight began?

2 A. When the fight began, I was not there.

3 Q. Where were you when the fight began?

4 A. I was by the other barn, by the horse barn.

5 Q. And where was the horse barn located in
6 proximity to the elephant barn?

7 A. On the same line, like on -- on the same
8 line as the elephant barn.

9 Q. They were in a row?

10 A. In a row, yes, side by side.

11 Q. All right. And you did you say you were in
12 between the barns?

13 A. No, I was inside the barn.

14 Q. Which barn?

15 A. Inside the horse barn.

16 Q. Inside the horse barn?

17 A. Yes.

18 Q. How did you first learn that there was an
19 elephant fight.

20 A. I heard the people calling me, grooms from
21 the elephants, and I went there.

22 Q. Which elephant grooms were calling you?

23 A. Well, Pista and Jimmy, if I remember
24 correctly.

25 Q. And what did you do when they called you?

1 **A.** Then I went inside to separate them, that
2 they do not injure themselves or they injured
3 somebody else.

4 **Q.** So where -- you said you went inside --
5 where did you go inside at?

6 **A.** I went between -- on the side of the
7 paddock, the elephant pen.

8 **Q.** So you went into the elephant paddock?

9 **A.** In the elephant paddock, yes.

10 **Q.** And what were these two elephants doing?

11 **A.** They were pushing each other with their
12 tusks and the trunk.

13 **Q.** Does Baby have tusks?

14 **A.** Yes.

15 **Q.** And does Banco have tusks?

16 **A.** Yes.

17 **THE VIDEOGRAPHER:** Excuse me, this is the
18 videographer. We are getting a lot of noise on the
19 recording from movement, from Washington I believe, I
20 think very close to the microphone.

21 **MS. MEYER:** Sorry.

22 **MS. JOINER:** These things happen. Okay. So
23 -- just a minute, I lost my train of thought, I am
24 sorry (Pause).

25 ///

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 BY MS. JOINER:

2 Q. Go ahead, you can answer.

3 A. They were apart already. I stopped them
4 fighting already. Then I took Banco in the barn.
5 And then Baby came and Alex took Baby.

6 Q. Where did you put -- where did the two
7 elephants in the barn go?

8 A. We put them on the boards, on the elephant
9 podiums, on their places.

10 Q. And what did you do next, after you put them
11 on the boards?

12 A. I had them to lay down, that they calm down.

13 Q. Both of them were laying down?

14 A. I first laid down Baby, and Alex stayed next
15 to Baby, and then I went to lay down Banco.

16 Q. And how did you get Baby to lay down?

17 A. Just by command.

18 Q. By --

19 A. Vocal command.

20 Q. Okay. And how did you get Banco to lay
21 down?

22 A. I did use vocal command, but she was so
23 excited a little bit, then I had to tap her on the
24 back, touch her on the top of the back, with my guide
25 to make her know which command I wanted.

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 **MS. MEYER:** I am sorry I did not hear that
2 answer.

3 **THE WITNESS:** Mr. Vargas sat next to Baby
4 and then I went to Banco, and I did not take care of
5 Baby any more.

6 **BY MS. JOINER:**

7 **Q.** How long approximately did it take to get
8 Baby and Banco to lay down?

9 **A.** From the start of the fight or from the
10 minute we got in the barn?

11 **Q.** Well, let's break it up.

12 Approximately how long did it take to break
13 up the fight?

14 **A.** It could have lasted maybe 8-to-10 minutes.

15 **Q.** And then I think you said after you broke it
16 up, you moved them into the barn?

17 **A.** To the barn, yes.

18 **Q.** So how long did it take in the barn to get
19 Baby to lay down?

20 **A.** About maybe -- by the minute we got in the
21 barn, she lay down nearly straightaway, about 2-3
22 minutes.

23 **Q.** And how long did it take after that to get
24 Banco to lay down?

25 **A.** About 5 minutes.

1 Q. After both of them were laying down, what
2 did you do next?

3 A. I just let them lay down to calm them down,
4 and then waited. And then when I saw they were
5 calmed down, I made them stand up.

6 Q. So how long were they laying down?

7 A. About 3-4 minutes, 5 minutes maybe.

8 Q. And then why did you make them stand up?

9 A. Because I thought they were calmed down.
10 They were quiet again, they did not looked at each
11 other aggressively or something. So I said okay,
12 now, they can stand up again. I made them stand up
13 and then I gave them some commands to see if I --
14 they were responding to the commands.

15 Q. Which commands did you give to Banco?

16 A. Lift up the foot and the trunk.

17 Q. Did you give Baby any commands?

18 A. Both of them together, yes.

19 Q. And how long did you give them the commands
20 to lift up the foot and trunk?

21 A. Did about three, four times.

22 Q. Were those verbal commands?

23 A. Verbal commands, yes.

24 Q. Did they do them?

25 A. Yes.

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 **THE WITNESS:** I did not take any notice; I
2 suppose so, yes.

3 **BY MS. JOINER:**

4 **Q.** Okay. Did you see anybody from the horse
5 barn that was there?

6 **A.** At the end, when I was on the side, I saw
7 them on the side.

8 **Q.** Who did you see?

9 **A.** Most of the people were there, they were
10 watching the fight.

11 **Q.** What were their names?

12 **A.** There was -- who was working there? Tom
13 Bob; Archele -- she was there -- Kelly; Ding the
14 Vietnamese boy.

15 **Q.** Ding?

16 **A.** Ding, he was working there. I don't
17 remember exactly who was there. But because it was
18 in the daytime most of all the crews were there,
19 working.

20 **Q.** Approximately how many people were
21 standing --

22 **A.** Maybe eight people who were working. I do
23 not know if they were all standing there, but we had
24 about eight people by the horse barn working, and
25 four, five by the elephant barn.

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 BY MS. JOINER:

2 Q. Did he work with any animals other than
3 ponies?

4 A. No.

5 Q. What did you mean when you said that you had
6 removed him from ponies?

7 A. Because he wasn't handling the ponies
8 properly. I mean he could not clean them properly.
9 He was rough to them.

10 Q. Did you ever see him be rough with the
11 ponies?

12 A. Yes.

13 Q. What did you see him do with the ponies that
14 you thought was rough?

15 A. He hit him on the head; at one time I saw
16 him hit this pony called Champ, and the pony turned
17 around and kicked him back, and then he went to hit
18 him back, and I said "This serves you right because
19 you shouldn't hit him in the first place".

20 Q. So who was the person that removed him from
21 the ponies and put him on the stable watch?

22 A. It is me.

23 Q. What did his job then involve on stable
24 watch?

25 A. To make sure they are watered. That the

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 **MS. MEYER:** Objection.

2 **BY MS. JOINER:**

3 **Q.** Do you remember what city it was in, when
4 you said she came back?

5 **A.** I don't remember exactly. It is such a --
6 you know, I don't remember at all.

7 **MS. JOINER:** Kathy, I want to go to Exhibit
8 LL now.

9 **MS. MEYER:** Okay. Which one is that?

10 **MS. JOINER:** That's the Robert Tom
11 declaration, the Summary Judgment Exhibit.

12 **MS. MEYER:** Okay.

13 **MS. JOINER:** (To the Court Reporter) Would
14 you please mark this (handed).

15 (The document referred to was marked by the
16 Court Reporter as Exhibit 1 for
17 identification.)

18 **MS. JOINER:** Okay. We have marked Exhibit
19 LL as 1 for the purposes of this deposition; okay,
20 Kathy?

21 **MS. MEYER:** Yes.

22 **BY MS. JOINER:**

23 **Q.** Mr. Houcke, take a minute if you would
24 please to look at this, and then let me know once you
25 have had a chance to do so.

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 Q. Did you see bloody bullhook wounds while you
2 were on the Red Unit?

3 A. No.

4 Q. If you return and look at paragraph 14
5 please.

6 A. Yes.

7 Q. Okay. While you worked on the Red Unit, did
8 you ever have to give any injections to elephants?

9 A. Yes.

10 Q. Okay. How many times did you give
11 injections to elephants?

12 A. Maybe in the 6 years I worked by Ringling,
13 two times. Okay, two times, but like four or five
14 days in a row.

15 Q. And what was the purpose of those
16 injections?

17 A. For like sprained muscles or infections.

18 Q. Did the vet prescribe those injections?

19 A. Yes.

20 Q. Did the vet prescribe the dosage?

21 A. Yes.

22 Q. If you would look at paragraph 17 please,
23 the second sentence says that on some two day runs
24 they do not stop the Circus Train to water the
25 animals?

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 **A.** Every day.

2 **Q.** Was there any elephant that had an ovarian
3 cyst?

4 **A.** Yes, Banana.

5 **Q.** Did the vets know about that?

6 **A.** Yes. It is old, very, very old; you can see
7 it.

8 **MS. JOINER:** Okay. The next one, Kathy, I
9 want to mark is Exhibit MM, and this would be
10 number 2 (handed).

11 (The document referred to was marked by the
12 Reporter as Exhibit 2 for identification.)

13 **BY MS. JOINER:**

14 **Q.** Mr. Houcke, Exhibit 2, is that declaration
15 from Archele Hundley, and if you would look at that
16 and let me know when you are ready to proceed,
17 please?

18 **A.** (Perused document.)

19 **Q.** Are you ready?

20 **A.** Yes.

21 **Q.** Okay. Again, with this declaration, there
22 are certain parts of it that I want to direct your
23 attention to.

24 In paragraph 4 Ms. Hundley states that:

25 "Witnessing this abuse was a

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 completely opposite pen from the two others -- four
2 others.

3 Q. Is it true that Baby refused to lie down?

4 A. No.

5 Q. Were you standing near Baby while you had
6 Baby and Banco in the tent?

7 A. I was by Baby. I made her lay down, and
8 then I went to Banco.

9 Q. Were you hitting Baby with a bullhook?

10 A. No.

11 Q. Is it true that Baby bled profusely from
12 inside the ear and behind the ear flap?

13 A. No.

14 Q. Is it true that you inserted the bullhook
15 into Baby's ear canal and held the bullhook handle
16 with both hands, and pulled down with all your
17 weight?

18 A. No.

19 Q. Can you tell us what happened in Oklahoma
20 City during the animal walk?

21 A. Yes.

22 Q. Okay. Was there -- let me just, I will back
23 up a little bit and give you frame of reference. Was
24 there a PETA person that videotaped the Red Unit?

25 A. There was always two people who

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 referencing the Oklahoma City event. Did you ride
2 the bus back from the animal walk?

3 **A.** No.

4 **Q.** Did you ever say:

5 "If I would have socked the guy
6 like I wanted to, I would have
7 knocked him on his ass and he would
8 not have been able to get back up"?

9 **A.** Maybe.

10 **Q.** Do you remember when you said that?

11 **A.** Maybe a day later, whatever; I do not know,
12 I don't remember.

13 **Q.** Did you sock the guy?

14 **A.** No.

15 **Q.** Did you ever touch the guy?

16 **A.** No. And, I mean, like there were two people
17 on videotape, and they would have had it on
18 videotape, they would sued me I suppose.

19 **Q.** Do you consider Tonka and Luna to be
20 dangerous?

21 **A.** No, but it was said that Luna, if she
22 doesn't know somebody, she does not like somebody to
23 go near her, if she does not know the people. But
24 when they know them, then it's no problem.

25 **Q.** Is it true that Pista will not go near with

1 respect Luna?

2 A. No, Pista goes near Luna and cleans her,
3 always.

4 Q. And who is Howard? Do you know who Howard
5 is reference paragraph 11?

6 A. Yes, he worked very shortly by us. And then
7 she (sic) was on stable watch and he didn't have to
8 go near any elephants. He just have to pick up their
9 manure in the pens and make sure that around barns
10 were clean.

11 Q. I see. So Howard did not go near any of the
12 elephants?

13 A. No.

14 Q. Do you know anybody named David Holister?

15 A. No.

16 Q. Is it true that you were nearly fired from
17 the Oklahoma City event, or because of the Oklahoma
18 City event?

19 A. No.

20 Q. Is it true that you viciously whipped the
21 camels in the ring during practice?

22 A. No.

23 Q. If you look at paragraph 18, is it true that
24 elephants scraped their backs when they were loaded
25 on and off the trains because the opening in the box

1 cars is not large enough?

2 A. No, they don't scrape their back. But they
3 will, when they come up the train, stop and scratch
4 themselves along, maybe the door or the side of the
5 car, just scratch themselves to, you know, like have
6 a scratch.

7 Q. Are the openings in the box cars large
8 enough?

9 A. Yes.

10 Q. Is it true that elephants are only unchained
11 when the public is around?

12 A. No.

13 Q. When are the elephants unchained on the Red
14 Unit?

15 A. The elephants, they are unchained when in
16 the night and in the morning when they clean them,
17 they wash them, and after they be off chain for the
18 rest of the day.

19 Q. I just want to make sure I understand you.
20 They are chained during the night?

21 A. During the nighttime, to stay in their place
22 to sleep. And in the morning and during the night,
23 when they get fed, and to go to sleep, and in the
24 morning when they are going to get washed.

25 Q. What happens then after they are washed?

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 their place.

2 Q. It is true elephants are sometimes loaded on
3 the train several hours before the train actually
4 leaves a venue for the next venue; isn't that
5 correct?

6 A. It depends how fast the train is ready to
7 leave, yes.

8 Q. And it's also true that the elephants are
9 sometimes loaded on the train the night before the
10 train leaves a venue for the next venue; is that
11 correct?

12 A. No. The train leaves always in the night or
13 early in the morning.

14 Q. It's true though that the elephants are
15 sometimes loaded onto the train -- strike that.

16 When the train arrives at a new venue, it is
17 true the elephants are sometimes left on the train
18 for some period of time before they are unloaded; is
19 that correct?

20 A. As soon as the train is in place, we unload
21 the elephants.

22 Q. Well, isn't it true that sometimes you have
23 to wait for the police to show up before the
24 elephants could be unloaded?

25 A. That can happen.

1 Q. Sometimes the police -- it takes a while for
2 the police to show up; doesn't it?

3 A. Sometimes, because when --

4 Q. And at the time --

5 A. Because when that --

6 Q. Let me ask my question.

7 MS. JOINER: He is still answering.

8 THE WITNESS: Sometimes what happened, the
9 train gets early in the town, and the police is not
10 prepared to get there and we have to wait for the
11 police to get there. That is why.

12 BY MS. MEYER:

13 Q. Thank you.

14 And during that time the elephants remain on
15 the train in their chains; is that correct?

16 A. It is correct.

17 Q. Now turning to the Tulsa, Oklahoma, incident
18 that you testified about earlier. Do you agree that
19 the Red Unit had a lay over for approximately 2 weeks
20 in Tulsa, Oklahoma, at the end of May and the
21 beginning of June 2006?

22 A. Yes, it is correct.

23 Q. And the Red Unit was staying at the
24 fairgrounds in Tulsa, Oklahoma, is that correct?

25 A. Correct.

1 Q. And you agree that some of the elephants got
2 into a fight; is that correct?

3 A. Correct.

4 Q. And that two elephants that got into the
5 fight were Baby and Banco; correct?

6 A. Exactly, correct.

7 Q. And you agree that you had to stop the
8 elephants from fighting; is that correct?

9 A. I had to go in and stop the fight, that is
10 correct.

11 Q. And you said that when you stopped the
12 fighting and tied up the elephants, and when you said
13 "tied up," you mean put them on chains; is that
14 correct?

15 A. Exactly.

16 Q. And did you have to discipline the elephants
17 for getting into the fight?

18 A. At the end of the fight I had to give them
19 some commands to make sure that they were finished,
20 they were calmed down, and they were obeying to the
21 commands.

22 Q. And did you consider your behavior towards
23 the elephants at that point in time to be
24 disciplining the elephants?

25 A. Yes.

1 Q. And so you agree that you engage in some
2 form of disciplinary treatment of the elephants who
3 had been fighting; is that correct?

4 A. No.

5 Q. You didn't discipline the elephants?

6 A. I disciplined -- I give them some commands
7 to make sure that they were calmed down.

8 Q. I am a bit confused because you earlier said
9 that you did consider your attitude towards them --

10 A. Yes, if you take it like that, yes.

11 Q. That is all I am asking.

12 So you do agree that you engaged in some
13 form of discipline of the elephants?

14 A. Yes.

15 Q. Because they were fighting.

16 A. Yes.

17 Q. Sorry?

18 A. Yes.

19 Q. And you said -- did this discipline involve
20 chaining the elephants?

21 A. It did.

22 Q. And did it involve making the elephants lie
23 down on all four legs?

24 A. It did.

25 Q. Is that sometimes referred to as "stretching

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. 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 Q. And if Mr. Vargas testified that you made
2 the elephants at this time hold the position of being
3 down on the four legs and trunks held up for 5-to-10
4 minutes, would that be incorrect testimony?

5 MS. JOINER: Objection to form.

6 Argumentative. Misstates the testimony.

7 THE WITNESS: That was a bit long. Maybe
8 5-minutes maximum.

9 BY MS. MEYER:

10 Q. Okay. You said 30 seconds before --

11 A. No, you asked me the leg up and the trunk
12 up, not laying down. You asked me before to put
13 their leg up and the trunk up, not laying down with
14 the trunk up.

15 Q. Did you make the elephants put their trunk
16 up when they were laying down on all four legs?

17 A. Yes.

18 Q. How long did you make the elephants Baby and
19 Banco hold position of lying down on all four legs
20 with their trunks up in the air?

21 A. About 5 minutes.

22 Q. Okay. Could it have been as long as 10
23 minutes?

24 A. I don't remember, but I do not think so.

25 Q. You don't remember?

1 A. No. It seems very long, 10 minutes.

2 Q. And do you agree that one of the elephants
3 was not immediately obeying the command to lie
4 down --

5 A. Exactly.

6 Q. -- when you were disciplining the elephants
7 for getting into the fight?

8 A. Exactly.

9 Q. And the elephant who would not obey your
10 command immediately was Banco; is that correct?

11 A. Correct.

12 Q. And is it your testimony that you never hit
13 either Banco or Baby with a bullhook during the
14 incident when you were disciplining them for getting
15 into a fight; is that correct?

16 A. Correct.

17 Q. But you did testify that you tapped Banco on
18 the head and behind the ear with your guide to make
19 her lie down; is that correct?

20 A. Not on the head, on the top of her back.

21 Q. So you do agree that you tapped Banco on the
22 top of her head with your guide to make her lie down,
23 to make her lie down during this incident; is that
24 correct?

25 MS. JOINER: Objection. Misstates the

1 testimony.

2 **BY MS. MEYER:**

3 Q. I am sorry?

4 A. On the back, not on the head.

5 Q. Just to clarify, you tapped Banco on her
6 back?

7 A. Exactly.

8 Q. With your guide, to make her lie down as
9 part of this disciplinary action; is that correct?

10 A. Exactly, correct.

11 Q. And when you say "your guide," you mean a
12 bullhook; is that correct?

13 A. I call it a guide, exactly.

14 Q. Is the "guide" also a "bullhook"?

15 A. That is the way I call it, the guide.

16 Q. But is it also referred to as a "bullhook"?

17 A. If you want to call it like that, it is
18 right.

19 Q. You know what I am talking about, correct?

20 A. Yes, the guide.

21 Q. Okay. And "ankus" would also be a synonym
22 for a guide; is that correct?

23 A. Exactly.

24 Q. And I thought you also said that you also
25 tapped Banco on the ear with your guide during this

1 incident; is that correct also?

2 A. I touched her by the ear to make her go
3 over.

4 Q. So you touched Banco on the back --

5 A. Yes.

6 Q. -- with your bullhook to make her lie down,
7 and then you touched her on her ear with your
8 bullhook to make her turn over; is that correct?

9 A. Turn over, yes.

10 Q. And did you also tap or touch Baby with your
11 bullhook at all during this incident?

12 A. No, I did not have to.

13 Q. And is it your testimony that when you
14 worked on the Red Unit you never hit the elephants
15 with a bullhook; is that correct?

16 A. Correct; I touched but not hit.

17 Q. You admit you touched elephants --

18 A. Yes.

19 Q. -- with bullhooks --

20 A. Yes, I touched --

21 Q. -- when you worked on the Red Unit; is that
22 correct?

23 A. Yes.

24 Q. How often did you touch elephants with
25 bullhooks when you worked on the Red Unit?

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.** 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