

Gary Jacobson 30(b)(6)

Washington, DC

January 18, 2008

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1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3 - - - - - X  
4 AMERICAN SOCIETY FOR THE PREVENTION :

5 OF CRUELTY TO ANIMALS, et al., :

6 Plaintiffs, : Civ. No.

7 V. : 03-02006

8 RINGLING BROTHERS AND BARNUM &amp; BAILEY : (EGS)

9 CIRCUS, et al., :

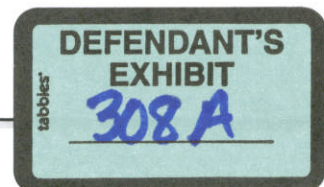
10 Defendants. :

11 - - - - - X

12  
13  
14 Washington, D.C.

15 Friday, January 18, 2008

16 Videotaped deposition of GARY JACOBSON,  
 17 called for examination by counsel for the  
 18 Plaintiffs in the above-entitled matter, pursuant  
 19 to notice, the witness being duly sworn by OKEEMAH  
 20 S. HENDERSON, a Notary Public in and for the  
 21 District of Columbia, taken at the offices of  
 22 Meyer, Glitzenstein & Crystal at 1601 Connecticut  
 Avenue, Northwest, Suite 700, Washington, D.C.  
 20009-1056, at 9:49 a.m., Friday, January 18,  
 2008, and the proceedings being taken down by  
 Stenotype by OKEEMAH S. HENDERSON and transcribed  
 under her direction.



1 APPEARANCES:

2 On behalf of the Plaintiffs:

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12 ALSO PRESENT:

14 RICK SANBORN, Videographer

JULIE ALEXA STRAUSS, ESQ.

15 MICHELLE SINNOTT, Paralegal

1 today. Do you know which seven elephants are at  
2 issue for this deposition?

3 A. Yes.

4 Q. I'd like to ask you questions about  
5 each of them, if I could. Starting with Karen.  
6 Are you familiar with the elephant Karen?

7 A. Yes.

8 Q. She's on the blue unit right now; is  
9 that correct?

10 A. Correct.

11 Q. And Karen was born in 1969; is that  
12 correct?

13 A. Probably.

14 Q. When you say probably, what do you  
15 mean?

16 A. She came into this country in 1969 and  
17 was quite small.

18 Q. Okay. How old was she when she got to  
19 this country?

20 A. Judging from the pictures I have seen,  
21 probably six or eight months.

22 Q. I think Robert Ridley testified

1 between four and six months; is that about right?

2 A. He would have been there. I was not  
3 there.

4 Q. And Karen was born in the wild; is  
5 that correct?

6 A. I do not know.

7 Q. Do you know which country she's from?

8 A. I have seen it on paper as Thailand.

9 Q. And as you said, she came into  
10 Ringling Brothers' possession in 1969, correct?

11 A. Right.

12 Q. And how long has she been on the blue  
13 unit?

14 A. Since she came into this country,  
15 1969.

16 Q. Do you know who trained Karen?

17 A. Axel Gautier.

18 Q. How do you spell that last name?

19 A. G-A-U-T-I-E-R, I believe.

20 Q. Do you know if Hugo Schmidt had any  
21 responsibility for training Karen before she got  
22 here?

1 show and then he came back, and I'm not sure what  
2 year that was.

3 Q. And do you know how old Lutzi would  
4 have been when she was trained by Louis Reed and  
5 Smokey Jones?

6 A. Pretty much it would be the same  
7 answer.

8 Q. And do you know how old she was when  
9 she was trained by Hugo Schmidt?

10 A. No. I'm not sure when Hugo came back  
11 to the show.

12 Q. How about Mysore. Did she receive any  
13 training from Mr. Reed and Mr. Jones?

14 A. Yes.

15 Q. Who else trained Mysore?

16 A. Pretty much it would have been just  
17 those two.

18 Q. Do you know how old Mysore was when  
19 she received the training from Mr. Reed and Mr.  
20 Jones?

21 A. She probably would have been about the  
22 same age. She came in in 1947.

1 Q. And what about Susan. Did she receive  
2 any training from Mr. Reed and Mr. Jones?

3 A. Yes.

4 Q. Did she receive training from anyone  
5 else?

6 A. From Hugo later when he came back to  
7 the company.

8 Q. Do you know how old Susan was when she  
9 received her training from Mr. Reed and Mr. Jones?

10 A. Would have been roughly the same as  
11 Jewell and Lutzi.

12 Q. What about Zina, did she also receive  
13 training from Mr. Reed and Mr. Jones?

14 A. No.

15 Q. Do you know who trained Zina?

16 A. I'm not sure who trained Zina.

17 Q. Do you have any idea who it might have  
18 been?

19 A. I'm not sure. She was in Europe.

20 Q. So Mr. Reed worked for Ringling  
21 Brothers; is that correct?

22 A. Yes.

1 train elephants; is that correct?

2 A. Yes.

3 Q. And did Karen receive any training at  
4 all from Mr. Reed or Mr. Jones?

5 A. No.

6 Q. Did Nicole receive any training at all  
7 from Mr. Reed or Mr. Jones?

8 A. No.

9 Q. Who trained Nicole?

10 A. That's a three-part question. She  
11 would have been partially trained in Asia, so I do  
12 not have an idea who that would be. Then she went  
13 to Germany and I do not know who trained her  
14 there. Then when they came to this country, Axel  
15 Gautier would have trained them.

16 Q. Okay. Are you familiar with a  
17 document called the Asian Elephant North American  
18 Regional Studbook?

19 A. Yes.

20 Q. Can you tell me what the studbook is?

21 A. It's a book that I believe is put  
22 together by the AZA and it pretty much keeps track

1 of all of the Asian elephants in the United States  
2 and Canada, I believe.

3 Q. And these would be the captive  
4 elephants, correct, when you say keeps track of  
5 all the elephants?

6 A. What do you mean captive, they're  
7 captive in this country.

8 Q. Well, that's what I meant. I was just  
9 clarifying?

10 A. Yes.

11 Q. When you say the AZA, what do you mean  
12 by that?

13 A. I believe it's the American Zoological  
14 Association.

15 Q. Have you ever had occasion to consult  
16 the studbook about information about an elephant?

17 A. From time to time.

18 Q. So you're familiar with entries made  
19 in the studbook; is that correct, in a general  
20 sense?

21 A. Some form.

22 MS. JOINER: Objection to form.



1 any of the Asian countries.

2 Q. But earlier in the deposition when I  
3 asked you where she was from you said Thailand?

4 A. I thought she was from Thailand. Yes.

5 Q. And again, the studbook says she's  
6 from Thailand as well, correct?

7 A. That's what it says. Yes.

8 Q. I'd like to ask you some questions  
9 about Nicole, if I could. Now, Nicole was born in  
10 1976; is that correct?

11 A. I believe that's what the papers say.  
12 Yes.

13 Q. And she was also wild; is that  
14 correct?

15 A. I do not know.

16 Q. Do you know what country she was from?

17 A. I believe Burma.

18 Q. And she was purchased by Ringling  
19 Brothers in 1980; is that correct?

20 A. Yes.

21 Q. And who was she purchased from?

22 A. I'm not sure who she was purchased

1 from but the gentleman handling the transaction  
2 was an animal dealer in Germany by the name of  
3 Ruhe.

4 Q. Okay. And I'm sorry. What is his  
5 name?

6 A. Ruhe, R-U-H-E, I believe it is.

7 Q. Do you know his first name?

8 A. No.

9 Q. Is it Herman?

10 A. I'm not sure.

11 Q. Does that ring a bell with you?

12 A. I'm not sure.

13 Q. And who is Mr. Ruhe?

14 A. I believe he was an animal dealer or  
15 importer.

16 Q. And Ringling Brothers obtained Nicole  
17 through Mr. Ruhe; is that what you said?

18 A. Yes.

19 Q. Was he a German individual?

20 A. I believe he's German. Yes.

21 Q. Was she obtained along with some other  
22 elephants through Mr. Ruhe by Ringling Brothers?

1 A. Yes.

2 Q. How many other elephants, do you know?

3 A. Five.

4 Q. So there was six in all?

5 A. Yes.

6 Q. And were they all obtained in 1980 by

7 Ringling Brothers?

8 A. Yes.

9 Q. Who were the other five elephants?

10 A. Icki, Alana, Banko.

11 Q. I'm sorry?

12 A. Banko. Siam.

13 Q. Siam with an S, right?

14 A. Yes. How many is that?

15 Q. Four?

16 A. Nicole is five and another elephant

17 named Babe, that's 6.

18 Q. And these elephants when they came to

19 Ringling Brothers had different names; is that

20 correct?

21 A. Yes.

22 Q. They had -- do you know any of those

1 names?

2 A. No.

3 Q. If I gave you the names, would you  
4 recognize which one was Nicole's?

5 A. I don't think so. No.

6 Q. Do you have any idea which one would  
7 have been Nicole's?

8 A. I never knew what their names were.

9 Q. And Nicole is on the blue unit as  
10 well; is that correct?

11 A. Yes.

12 Q. And how long has Nicole been on the  
13 blue unit?

14 A. Since 1980.

15 Q. So she's been on the blue unit the  
16 entire time she's been in the possession of  
17 Ringling Brothers; is that correct?

18 A. No.

19 Q. Were there times when she was taken  
20 off the blue unit?

21 A. She was at the CEC.

22 Q. When was she at the CEC?

1 Q. If you look at just page 2 of the  
2 exhibits which is page 39 of the studbook?

3 A. Yes.

4 Q. And the entry for Nicole at the bottom  
5 of the page. Do you see that?

6 A. Yes.

7 Q. And it says under the column Sire Dam,  
8 it says wild, wild. Do you see that?

9 A. Yes.

10 Q. Do you know what that means?

11 A. One of two things, they're either wild  
12 or he didn't know what they were so he put down  
13 wild.

14 Q. How do you know they put down wild if  
15 they dont know what it is?

16 A. That's what they do.

17 Q. How do you know that?

18 A. Mr. Keele said so.

19 Q. Mr. Keele's told that you before?

20 A. Yes.

21 Q. Mr. Keele's told you if they don't  
22 know whether or not the parents of a particular

1 elephant were born in the wild, they put down wild  
2 in the studbook any way?

3 A. Right. In fact, I believe we have  
4 records stating that they were born in captivity.

5 Q. Who was born this captivity?

6 A. Nicole.

7 Q. Okay. Do you know where she was born  
8 in captivity?

9 A. I believe Burma.

10 Q. So you're saying the studbook is wrong  
11 when it says wild, wild?

12 A. Yes or no, it could be or it might not  
13 be. I don't know.

14 Q. And you see that it also says for  
15 Nicole in the column that's titled event, it says,  
16 capture. Do you see that?

17 A. Is that what that means?

18 Q. I'm just asking you if you see the  
19 word capture?

20 A. Yes. I see the word capture.

21 Q. Which would seem to indicate that she  
22 was captured from the wild, correct?

1 A. She doesn't have one.

2 Q. So just to be clear, so this document,  
3 Exhibit 9, is incorrect when it says that all six  
4 of the elephants who Ringling Brothers obtained  
5 through Mr. Ruhe had a star-shaped brand on their  
6 buttocks; is that correct?

7 A. Obviously.

8 Q. Okay. I want to talk about the  
9 elephant Jewell. Are you familiar with Jewell?

10 A. Yes.

11 Q. And Jewell was born in 1951; is that  
12 correct?

13 A. Give or take a year.

14 Q. And she was born in India; is that  
15 also correct?

16 A. That's what the import papers say.

17 Q. And she was born in the wild; is that  
18 correct?

19 A. Probably. But there's no way of  
20 knowing.

21 Q. Do you know what country she's from?

22 A. India.

1 Q. And what was the name of this  
2 benefactor?

3 A. I do not know.

4 Q. Did this actually come to pass that  
5 Ringling Brothers supplied this entity with some  
6 elephants?

7 A. No.

8 Q. Why not?

9 A. They did not build the exhibit.

10 Q. Do you remember which other elephants  
11 Ringling Brothers was considering providing to the  
12 Gulf Breeze Zoo?

13 A. Zina.

14 Q. Any others?

15 A. No.

16 Q. And are you familiar with the elephant  
17 named Lutzi?

18 A. Yes.

19 Q. And Lutzi was born in 1950; is that  
20 correct?

21 A. Probably.

22 Q. And she was also born in India; is



1 A. From '69 on.

2 Q. So from 1969 until about January of  
3 2005, she was on the blue unit; is that correct?

4 A. Yes.

5 Q. Did she ever spend any time at  
6 Williston as far as you know?

7 A. Yes. She was at Williston for a  
8 period of time before the CEC was built but I  
9 don't remember the exact dates.

10 Q. Did you spend time at Williston before  
11 you went to the CEC?

12 A. Yes.

13 Q. What was your position at Williston?

14 MS. JOINER: Objection to form.

15 A. I worked a couple of winters as a  
16 handler and then when the CEC was to be built, I  
17 went in there and waited to come down to the  
18 Center.

19 BY MS. MEYER:

20 Q. How long did you work at Williston?

21 A. About a year and a half.

22 Q. What year are we talking about or what

1 time frame?

2 MS. JOINER: Objection to the form.

3 A. I came in in February, the last of  
4 February of the year of the train wreck, whatever  
5 year that was. I can't remember. '94 or '93.  
6 '94.

7 BY MS. MEYER:

8 Q. And Lutzi was at Williston when you  
9 were there; is that what you said?

10 A. She was there was for a while. Yes.

11 Q. What is Williston, just for the  
12 record?

13 A. It's a retirement facility.

14 Q. Owned by Feld Entertainment?

15 A. Yes.

16 Q. Are you familiar with the elephant,  
17 Mysore?

18 A. Yes.

19 Q. And Mysore was born in 1946; is that  
20 correct?

21 A. Probably earlier. She came in by ship  
22 in 1947, so they normally were larger than a year

1 (FEI Deposition Exhibit No. 10 was marked for  
2 identification.)

3 MS. MEYER: You've been handed a  
4 document that's been marked Exhibit 10, Mr.  
5 Jacobson. And for the record, it's a document  
6 that was produced by defendant in this case and it  
7 has a Bates label Feld 0005350. Have you had a  
8 chance to look at that document?

9 A. Yes.

10 Q. And this is also a Cites permit, is it  
11 not?

12 A. Yes.

13 Q. And you see the issuing date is  
14 7/29/1986 at the top?

15 A. Yes.

16 Q. At the top right part of the document?

17 A. Yes.

18 Q. Okay. And if you look down in the  
19 middle column where the elephants are described,  
20 there's an entry for Mysore, it's the second one  
21 from the bottom of that column. Do you see that?

22 A. Right.

1 Q. And it indicates in the that column  
2 that Mysore was born in 1946; is that correct?

3 A. Probably not and the reason I say that  
4 is they were imported in 1947 and they came by  
5 ship, so they had to be able to sustain themselves  
6 on hay, so they were probably three or four years  
7 old.

8 Q. You totally lost me on that answer.  
9 Could you explain that to me again?

10 A. In later years, they flew young  
11 elephants over by airplane. In years past when  
12 they came by ship, the elephants had to be older  
13 to be able that to make such a voyage.

14 Q. Because it was a long voyage?

15 A. Yes.

16 Q. I see. So what does that have to do  
17 with the date that's down here?

18 A. Well, see, it says that she was born  
19 in '46. It was probably several years earlier  
20 than that when the elephant was born.

21 Q. Oh, so you think Mysore was born prior  
22 to 1946; is that correct?

1 A. That would be more than likely true.

2 Q. This is a document that was prepared  
3 by Ringling Brothers; is that correct?

4 MS. JOINER: Objection to form.

5 A. Yes. But most of the dates of the  
6 preact elephants were just kind of hearsay.  
7 Accurate records were not necessarily kept as  
8 where they are now.

9 So if our company was told that the elephant  
10 was born in '46, we would have no reason to  
11 dispute that. I just see they're no different,  
12 that's all

13 MS. MEYER. Okay. I appreciate that.  
14 I'm just trying to make sense of these documents,  
15 that's all, that's why I'm asking the questions.  
16 And I have one more which I'd like to have marked  
17 as an exhibit. Let's take a break and then I can  
18 figure this out.

19 THE VIDEO OPERATOR: This marks the end  
20 of videotape 1 of the deposition of Gary Jacobson.  
21 Going off the record. The time is 11:08 a.m.

22 This marks the beginning of videotape No. 2

1 Q. Okay. Thank you. I want to talk  
2 about the elephant named Susan. Are you familiar  
3 with Susan?

4 A. Yes.

5 Q. And Susan was born in 1951; is that  
6 correct?

7 A. Probably.

8 Q. And she -- what country is she from?

9 A. India.

10 Q. And she was also from the wild; is  
11 that correct?

12 A. Probably.

13 Q. And when did Ringling Brothers obtain  
14 Susan?

15 A. 1954.

16 Q. So she was about three years old when  
17 Ringling Brothers obtained her?

18 A. Yes.

19 Q. And she has been used on the blue  
20 unit; is that correct?

21 A. From '69 on. Yes.

22 Q. From '69 until when was she on the

1 want to talk about is Zina. Are you familiar with  
2 Zina?

3 A. Yes.

4 Q. And Zina was born in 1961; is that  
5 correct?

6 A. I do not know.

7 Q. Do you have any idea when she was  
8 born?

9 A. She's probably a bit older than that.

10 Q. Do you know how old she is?

11 A. I do not know for sure. No.

12 Q. Now, when did Ringling Brothers obtain  
13 Zina?

14 A. It was '71 or -- 1971 or 1972. I'm  
15 not sure exactly which.

16 Q. And who did Ringling Brothers obtain  
17 Zina from?

18 A. Some people called the  
19 Chipperfields -- no the Smarts. I'm sorry. Billy  
20 Smart Circus.

21 Q. And where is Billy Smart Circus?

22 A. It was in England.

1 Q. Was Zina performing with that circus?

2 A. Yes.

3 Q. So do you know how old Zina was when  
4 she was obtained by Ringling Brothers from Billy  
5 Smart Circus?

6 A. No. I think I believe the records say  
7 10, but I think she was older than that. I first  
8 saw her in 1973 and she was certainly older than  
9 11 or 12 years old.

10 Q. How old do you think she was?

11 A. Probably 17 or 18.

12 Q. What do you base that on?

13 A. Size and the group that she was with.

14 Q. Has Zina spent time on the blue unit?

15 A. Yes.

16 Q. From when?

17 A. I'm not sure.

18 Q. Do you have any idea?

19 A. I would have to look it up.

20 Q. All right. Do you know if she would  
21 have been put on the blue unit in 1973 when  
22 Ringling Brothers first obtained her?



1 Jewell. I don't think Mysore was there. No. I  
2 didn't know Mysore then and Zina was not on the  
3 show then.

4 Q. Okay.

5 A. Then he vanished and Ted Svertesky  
6 brought him back in the fall of 1993 to go back  
7 with him on the blue show. So he would have been  
8 on the blue show late in '93, all of '94 and about  
9 half of '95.

10 Q. So whichever of the elephants were on  
11 the blue show during that period of time, would  
12 have been handled by Mr. Hafner; is that correct?

13 A. Karen, Nicole, Lutzi, Mysore, Zina and  
14 Jewell because Mysore wouldn't have been there  
15 then.

16 Q. What about, I'm not sure we completely  
17 covered Ted Svertesky. Which of the seven  
18 elephants would he have handled and when?

19 A. He would have been around Zina with  
20 the Circus World group and probably from 197 -- he  
21 was there about six months in the early, mid '70s,  
22 then he left, I don't know when the dates were and

1 presenting elephants on the blue unit?

2 A. Yes, he did.

3 Q. So would he have been responsible for  
4 presenting the elephants who were on the blue unit  
5 during the time that he worked there?

6 A. Yes.

7 Q. And did he also have responsibility  
8 for training any of those elephants? We're  
9 talking about the seven elephants that are the  
10 subject of this deposition?

11 A. Depends on what you call training. He  
12 would have been involved in routining them. Yes.

13 Q. When you say routining, what do you  
14 mean?

15 A. Changing the act from one year to the  
16 next or choreographing the elephant part of the  
17 show from one year to the next.

18 Q. And if that involved teaching an  
19 elephant a new trick, he would be the person who  
20 would have done that during that time period?

21 MS. JOINER: Objection to form.

22 A. It's possible but most of these older

1 elephants kind of by then did everything they were  
2 going to do and it would have been just changing  
3 the routine, moving two of them over here or two  
4 over here and just swapping things around, not so  
5 much training.

6 BY MS. MEYER:

7 Q. So he was principally a presenter of  
8 elephants during the time that he worked on the  
9 blue unit; is that correct?

10 A. Yes.

11 Q. And he also handled the elephants when  
12 he worked on the blue unit?

13 A. Yes.

14 Q. What about an individual named Jeff  
15 Pettigrew. Do you know who he is?

16 A. Yes.

17 Q. Who is he?

18 A. He was on the blue show.

19 Q. When was he on the blue show?

20 A. I don't know. He was there two or  
21 three times I think but I'm not sure what the  
22 dates are.

1 Q. Would he have had responsibility for  
2 handling any of the seven elephants that we're  
3 talking about?

4 A. I would think so. Yes.

5 Q. Which ones?

6 A. Probably all of them. The exception  
7 would be I don't know if he was there when Mysore  
8 was there or not.

9 Q. But if he was on the blue unit when  
10 Mysore was on the blue unit, he would have had  
11 some responsibility for handling Mysore; is that  
12 correct?

13 A. Yes.

14 Q. What about Mr. Ridley. We spoke about  
15 him earlier?

16 A. Suni.

17 Q. Suni. He would have had  
18 responsibility for handling all of those seven  
19 elephants when they were on the blue unit; is that  
20 correct?

21 A. Yes.

22 Q. Did Jeff Pettigrew ever work at the

1 CEC?

2 A. No.

3 Q. What about Alex Vargas, who is he?

4 A. He's the animal superintendent on the  
5 red show.

6 Q. But he worked on the blue unit at one  
7 period of time; is that correct?

8 A. Yes.

9 Q. When was that?

10 A. I'm not sure.

11 Q. Do you have any idea?

12 A. He was, he left the blue to go to the  
13 red, I think two years ago he left the blue. But  
14 he was on the show for some years and then left  
15 and then came back.

16 Q. When you say he was on the show, was  
17 he on the blue unit?

18 A. He was on the blue unit.

19 Q. And that's what I'm trying to figure  
20 out. When was he on the blue unit?

21 A. I'm not sure.

22 Q. Was it also the late 1990s?

1 A. I vaguely remember the guy.

2 Q. What do you remember about him?

3 A. He was a handler.

4 Q. Was he a handler for the blue unit?

5 A. Yes.

6 Q. Do you know when he was a handler for  
7 the blue unit?

8 A. Probably some time in that time frame.

9 Q. The late 1990s?

10 A. Yes. I think he worked for Randy.  
11 I'm not sure.

12 Q. If he worked for Randy on the blue  
13 unit, would he have had responsibility for  
14 handling the seven elephants at issue here?

15 A. I don't think he went around Karen.

16 Q. Why do you say that?

17 A. I don't remember the guy very well and  
18 if I don't remember him very well, that means he  
19 probably wasn't there very long so that means he  
20 probably wasn't around Karen.

21 Q. What makes you say -- how do you  
22 deduce that he wasn't around Karen?

1 A. Because she's a little grumpy.

2 Q. So why wouldn't he be around her?

3 A. Because he was sort of goofy.

4 Q. Like the seven dwarfs. Can you be  
5 more specific?

6 A. I don't remember the guy very well.  
7 So if I don't remember him, then I don't think he  
8 was there very long.

9 Q. Is the fact that he wasn't there very  
10 long the reason you said he probably wasn't around  
11 Karen?

12 A. He probably was inexperienced, I  
13 believe.

14 Q. I see. So because he was  
15 inexperienced he wouldn't have been around Karen;  
16 is that what you're saying?

17 A. That would be my assumption anyway.

18 Q. And why is that?

19 A. Because she's a little testy sometimes  
20 with strange people and he was strange.

21 Q. And so inexperienced handlers would  
22 not work with Karen; is that correct?

1 Q. How do you know he made them?

2 A. I think I saw him make them. He makes  
3 all kinds of things out of metal.

4 Q. But you don't know whether or not he  
5 provided some of his bull hooks to some of the  
6 other crew on the blue unit during that time?

7 A. No, I do not know.

8 Q. What about Pat Harned. Who is he? Do  
9 you know Pat Harned?

10 A. Yes.

11 Q. Who is he?

12 A. He works for me at the CEC.

13 Q. Prior to him working at the CEC, he  
14 worked the blue unit for some period of time; is  
15 that correct?

16 A. Yes.

17 Q. And he worked at the blue unit -- when  
18 did he work at the blue unit?

19 A. It's got to be in my previous  
20 deposition somewhere.

21 Q. Was he there during the late 1990s?

22 A. Yes.



1 Q. Do you know which elephants he would  
2 have handled?

3 A. No.

4 Q. Would he have handled Karen?

5 A. He could have. Yes.

6 Q. And what about Nicole?

7 A. He could have handled any of them.

8 Q. Okay. You think it's likely that he  
9 did during the time he was on the blue unit?

10 A. I'm not sure, but I believe he made  
11 animal walks and things like that.

12 Q. And if he was on the animal walks, he  
13 would have been, he would have had some  
14 responsibilities for handling the elephants; is  
15 that correct?

16 A. If he was there. Yes.

17 Q. And how long has Mr. Harned been at  
18 the CEC?

19 A. I cannot remember exactly when he came  
20 back.

21 Q. I think you testified it was 2001.  
22 Does that comport with your knowledge?

1 Q. And Susan?

2 A. Yes.

3 Q. And Zina?

4 A. Yes.

5 Q. And you're saying six to eight months  
6 ago he took a different job at that CEC?

7 A. Yes.

8 Q. So he's not handling any elephants  
9 anymore?

10 A. Yes.

11 Q. Yes, he's not handling them?

12 A. No.

13 Q. Is he handling the elephants anymore?

14 A. Sometimes.

15 Q. And is he still handling some of the  
16 five elephants that I just named?

17 A. Yes.

18 Q. What is his title now at the CEC?

19 A. I don't know exactly what it is.

20 Q. I may have asked you this already, if  
21 I did, I apologize. Did -- never mind. I did ask  
22 you that one. How about an individual named

1 break for lunch.

2 THE VIDEO OPERATOR: We're going off  
3 the record. The time is 1:14 p.m.

4 We're going back on the record. The time is  
5 2:03 p.m.

6 BY MS. MEYER:

7 Q. Mr. Jacobson before we broke for  
8 lunch, I was asking you about whether there were  
9 any other CEC employees that we haven't covered.  
10 The last one you mentioned was Jim Varn. Is there  
11 anybody else that we haven't talked about?

12 A. Kathy Jacobson.

13 Q. And what are Ms. Jacobson's  
14 responsibilities?

15 A. Nothing to do with those elephants at  
16 all.

17 Q. Right. Anybody else that has  
18 responsibility for handling any of the five  
19 elephants who were at the CEC; Lutzi, Mysore,  
20 Susan, Zina and Jewell?

21 A. Not that I can remember.

22 Q. Are you familiar with a handler on the

1 blue unit whose name is Peshta?

2 MS. JOINER: Objection to form.

3 A. No.

4 BY MS. MEYER:

5 Q. Peshta. Anything like that?

6 A. No.

7 Q. He worked on the blue unit with Troy

8 Metzler and Alex Vargas in 2004, 2005?

9 MS. JOINER: Objection to form.

10 BY MS. MEYER:

11 Q. Do you know that name?

12 A. I know the name but he's on the red  
13 show.

14 Q. Oh, he's on the red show?

15 A. I've never anyone him to be on the  
16 blue show, unless I missed it.

17 Q. Who is he?

18 A. He's a handler on the red show.

19 Q. As far as you know, he's never worked  
20 on the blue show?

21 A. I don't think so. No.

22 Q. Do you know who trained Peshta to

1 day, the elephants are taken to the train as soon  
2 as possible; is that what you're saying?

3 A. Yes.

4 Q. The elephants on the blue unit are  
5 transported from venue to venue via train cars,  
6 right?

7 A. Yes.

8 Q. And on a tear-down day, I'd like you  
9 to explain as much as you can, describe to me the  
10 process of, the process engaged in by the Circus  
11 from the time the last show ends until the  
12 elephants are loaded onto the train, what happens?

13 MS. JOINER: Objection to form.

14 A. That varies depending on if the  
15 weather is warm, the tent is taken down normally  
16 during the last show or in between the last shows,  
17 if the weather is nice. And the pens are left up  
18 and after the show, the elephants go back in those  
19 and are watered and then depending on the things  
20 that I have described to you already they'll  
21 either wait awhile in the pens or go straight to  
22 the train. They will be watered first. Once

1 they're on the train, they're tied up and fed.

2 Q. When you say once they're on the train  
3 they're tied up, their legs are chained, is that  
4 correct?

5 A. They're put on the chains. Yes.

6 Q. And where in the process are the  
7 elephants loaded as opposed to other species of  
8 animals?

9 A. What do you mean?

10 Q. Well, there's other animals that are  
11 used in the circus, correct?

12 A. Right. All the animal cars are  
13 together in a group.

14 Q. But are all the animals loaded onto  
15 the train at the same time?

16 A. Pretty much. Yes. They all walk at  
17 the same time to the train.

18 Q. Oh they are. All right. And while  
19 the elephants are waiting to be loaded onto the  
20 train, are they on chains or off chains?

21 A. Off chains.

22 Q. So if the last show, I know there's

1 MS. JOINER: Objection to form.

2 A. Not that I know of. No.

3 BY MS. MEYER:

4 Q. And once the elephants are loaded onto  
5 the train, there sometimes is a wait before the  
6 train actually leaves the venue; is that correct?

7 A. Yes.

8 Q. And on the other end when the train  
9 gets to a new venue, there is a wait before the  
10 elephants get off the train; is that correct?

11 A. Sometimes. It varies tremendously.

12 Q. Is there a process at the other end  
13 when the train arrives at a new venue that has to  
14 be followed before the elephants can be loaded off  
15 the train?

16 A. Right.

17 Q. What is that process?

18 A. The facilities they'll be housed in  
19 have a building that is put up.

20 Q. Who does that, the crew?

21 A. Yes.

22 Q. So you have to wait for the facility

1 A. Yes.

2 Q. And are there any other requirements  
3 that have to be met before the elephants can be  
4 unloaded from the train?

5 A. No.

6 Q. It sometimes takes a while for the  
7 police to get there, doesn't it?

8 A. All of that is set up in advance, way  
9 in advance.

10 Q. Does that mean it never takes a while  
11 for the police to get there?

12 A. Well, anything can happen. We were  
13 late coming here today.

14 Q. Because I remember when I was in  
15 Auburn Hills we had to wait for the police to  
16 come. So that seemed to be the procedure and I'm  
17 just asking you if that's the normal procedure?

18 A. Normally, that's the way it's done.  
19 It's required to have the police escorts.

20 Q. Required by whom?

21 A. I imagine the company and also the  
22 different municipalities.



1     decipher what's on here. So I'd like to kind of  
2     walk through it with you and see if you can answer  
3     my questions about it and for the record, this  
4     exhibit is titled blue unit  
5     schedule-transportation order. This one is dated  
6     06/02/04 and up in the right-hand corner it has  
7     the name J. William Misiura. Do you see that?

8             A.     Bill Misiura. Yes.

9             Q.     And he's identified as the director of  
10     transportation. Would that be for the Circus?

11            A.     Yes.

12            Q.     But he's no longer the director of  
13     transportation?

14            A.     No. He still is. Joe DeMike works  
15     for him.

16            Q.     I see. Okay.

17            A.     This is a few years old, right?

18            Q.     This is dated 2004. This has a lot of  
19     information on it. It says departure Monday,  
20     June 14, 2004 from station Wilkesborough,  
21     Pennsylvania and then it has a route with a bunch  
22     of names and it looks like rail companies on it

1 engines.

2 Q. So explain how that works to me?

3 A. Different engines go in different  
4 parts of the country on different tracks and we  
5 rent the engines to pull the train.

6 Q. And those are the companies you rent  
7 the engines from?

8 A. Some of them.

9 Q. Once you have the engines, then you  
10 are you allowed to use the tracks for a certain  
11 period of time?

12 A. Yes.

13 Q. It says transportation order at the  
14 top. What does that mean?

15 A. It's just explaining where they're  
16 going to be at certain times if it's on the  
17 schedule.

18 Q. Was is an order from someone to  
19 someone else?

20 MS. JOINER: Objection to form.

21 A. Bill Misiura sets it up, and this is  
22 for everybody to look at to see where they're

1 going to be at certain times.

2 Q. So it's an order directed to the crew  
3 then?

4 A. Yes. More or less.

5 Q. And it's a regular practice of  
6 Ringling Brothers to prepare these documents; is  
7 that correct?

8 A. Yes.

9 Q. Are they kept in the course of  
10 Ringling Brothers regularly-conducted business?

11 A. Pardon?

12 Q. Are they maintained in the course of  
13 the company's business?

14 A. They would be. Yes.

15 Q. Do you know what any of these rail  
16 company acronyms stand for?

17 A. No, I do not.

18 Q. Particularly looking at the left-hand  
19 column of this document where it as LNS, then it  
20 says CP, NS, do you see those?

21 A. Yes.

22 Q. Abbreviations. Do you know what those

1 correct?

2 A. Right.

3 Q. Just below that it says arrive  
4 Harrisburg and then it says at the end of that  
5 line, deliver to NS. Do you know what that means?

6 A. I would assume that's another engine  
7 or track.

8 Q. Well, the train, correct me if I'm  
9 wrong, but the animals aren't getting off the  
10 train and getting into new train cars, are they?

11 A. No, they're not.

12 Q. But they may be getting onto tracks  
13 that are owned by different rail companies?

14 A. It could be.

15 Q. Then a couple of lines down from there  
16 it says, arrive Altoona, Pennsylvania, crew  
17 change, water animals. Do you see that?

18 A. Yes.

19 Q. And does that mean the animals were  
20 given water at that point in time?

21 A. It may. In the old days, they used to  
22 stop the train twice a day to water. Now they

1 have ample water in the cars but when they do  
2 stop, they do refill the tanks normally.

3 Q. But that's at a point in time when the  
4 animals would be given water, correct?

5 A. They may have already been watered  
6 before then.

7 Q. Oh, I see okay. Then nine lines down  
8 from that, again, it says arrive New Haven, crew  
9 change. It says water animals. Do you see that?

10 A. Yes.

11 Q. Then just below that it says, rest  
12 animals?

13 A. Yes.

14 Q. Do you see that? What does that mean?

15 A. They must have taken the elephants off  
16 the cars.

17 Q. And that's what is denoted by the word  
18 rest animals?

19 A. That's what I believe it means?

20 Q. That means the animals actually got  
21 off the train?

22 A. Just the elephants.

1 Q. What does that mean?

2 A. It could mean several different  
3 things. They spot cars in different places,  
4 sometimes they spot the stock cars close so the  
5 walk is not as far, sometimes the coaches are  
6 spotted 10 miles away, sometimes the flats are  
7 spotted close and moved 10 miles.

8 Q. I don't even know what spotted means.  
9 What does spotted mean?

10 A. Put in a spot where they can unload  
11 things from them, normally or put in a spot where  
12 their going to stay for the duration of the venue.

13 Q. You used several different terms when  
14 you were answering my question. You said stock  
15 car and coach cars. What is a stock car?

16 A. That's where the animals ride, in this  
17 case, elephants.

18 Q. And how do you know it's just  
19 elephants?

20 MS. JOINER: Objection to form.

21 A. I'm only talking about elephants,  
22 right?

1 BY MS. MEYER:

2 Q. Well, is this schedule only pertaining  
3 to the elephants?

4 A. No. It's all of the animals, all the  
5 cars.

6 Q. And you said coach cars, what does  
7 that mean?

8 A. That would be where people live, the  
9 pike car.

10 Q. So that's the human beings basically?

11 A. Pretty much.

12 Q. So when it says all cars spotted, are  
13 the elephants still on the train?

14 A. I do not know.

15 Q. Who would know the answer to that  
16 question?

17 A. I'm not sure.

18 Q. Well, the director of transportation  
19 would know the answer to that question?

20 A. I'm not certain of that.

21 Q. Would Jim Andacht know the answer to  
22 that question?

1 elephants on the blue show.

2 Q. Why do you say you need more?

3 A. It's nice to have more.

4 Q. And is there a possibility that Nicole  
5 or Karen would be transferred to the red unit?

6 A. No.

7 Q. And is there any possibility that Zina  
8 may go back out on the road?

9 A. No.

10 Q. What about Jewell?

11 A. No.

12 Q. What about Susan?

13 A. No.

14 Q. What about Mysore?

15 A. No.

16 Q. What about Lutzi?

17 A. No.

18 Q. Is there any possibility that any of  
19 those five elephants may be sent somewhere else?

20 A. We have no plans at this time to send  
21 them anywhere.

22 Q. Are you familiar with the routine



1 that's used to bathe the elephants on the blue  
2 unit?

3 A. Yes.

4 Q. Are the elephants still chained when  
5 they're bathed on the blue unit?

6 A. Seldom.

7 Q. Are they sometimes, though?

8 A. Not the ones that we're speaking  
9 about. No.

10 Q. When we were going over the  
11 transportation records earlier, the transportation  
12 orders, I thought you said before we got to those  
13 that there's some other kind of document that has  
14 the schedule on it that is sometimes posted for  
15 the crew; is that correct?

16 A. I thought it was different, maybe it's  
17 this one.

18 Q. Is the documents that I showed you the  
19 kind of documents you were thinking of though?

20 A. Sort of. The format is somewhat  
21 different.

22 Q. How is the format different?