

Feld Entertainment, Inc.'s Responses and Counter Designations
FEI Exhibit 312A

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA

3 -----x
4 :
4 AMERICAN SOCIETY FOR THE :
5 PREVENTION OF CRUELTY TO :
5 ANIMALS, et al. :
6 :
6 Plaintiffs :
7 : Case No.
7 vs. : 03-2006 (EGS/JMF)
8 :
8 FELD ENTERTAINMENT, INC. :
9 :
9 Defendant :
10 :
10 -----x

11 Washington, D.C.
12 November 14, 2008
12

13 Videotaped Deposition of:

14 GEOFFREY PETTIGREW,
15 called for oral examination by counsel for
16 Plaintiffs, pursuant to notice, at the offices
17 of Meyer Glitzenstein & Crystal,
18 1601 Connecticut Avenue, N.W., Suite 700,
19 Washington, D.C., before Zev V. Feder, CSR, a
20 Notary Public in and for the District of
21 Columbia, beginning at 10:07 a.m., when were
22 present on behalf of the respective parties:



1
2
3
3
4
4
5
5
6
6
7
7
8
8
9
9
10
10
11
11
12
12
13
13
14
14
15
16
17
17
18
18
19
20
21
22

On behalf of the Plaintiffs:

BY: KATHERINE ANNE MEYER, ESQ.
Meyer Glitzenstein & Crystal
1601 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20009
(202)588-5206

On behalf of Defendant Feld Entertainment,
Inc.:

BY: LISA ZEILER JOINER, ESQ.
BY: MICHELLE C. PARDO, ESQ.
Fulbright & Jaworski, LLP,
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202)662-0200

and

BY: JULIE ALEXA STRAUSS, ESQ.
Feld Entertainment, Inc.
8607 Westwood Center Drive
Vienna, Virginia 22182
(703)448-4065

Also Present:

David Voigtsberger, Videographer
Mary Bortscheller

+ + +

1 A. Right.

2 Q. Do you know why Prince and Sabu
3 are at Williston?

4 A. No, I don't.

5 Q. Did you ever ask anybody about
6 that?

7 A. No.

8 Q. Did you have any conversations
9 with anyone at all about why Sabu and Prince
10 are at Williston?

11 A. No, ma'am.

12 Q. What are they doing there?

13 A. Living. They are living there.
14 That's where they live.

15 Q. Do they live together?

16 A. No, ma'am.

17 Q. They live separately?

18 A. Yes, ma'am.

19 Q. How is Sabu maintained at
20 Williston?

21 A. Hands off.

22 Q. What kind of housing does Sabu

1 have?

2 A. He has a night house, a large pen
3 area, and a night pen area.

4 Q. Describe the night house for me.

5 A. It is a barn facility that we feed
6 him in, which has a separate area where you
7 can walk in and put hay without any contact
8 with the elephant, but the elephant can reach
9 the hay, and the food. Vegetables, grain,
10 corn. And also, where he sleeps, it has fans
11 in it and also a heater unit in it.

12 Q. What kind of flooring does it
13 have?

14 A. Concrete.

15 Q. How large a space is it?

16 A. The night house, itself?

17 Q. The area where Sabu is kept in the
18 night house.

19 A. At night? Would be -- (Pause). I
20 couldn't tell you. I know it is at least
21 50 foot wide and probably, probably the same
22 in length.

1 Q. Is Sabu kept in chains at all

2 during --

3 A. No.

4 Q. -- the time he is in the night

5 house?

6 A. No.

7 Q. When during the day does Sabu go

8 into the night house?

9 A. Between the hours of 5:00 and

10 6:00 o'clock.

11 Q. And how long is he in the night

12 house?

13 A. Until 8:00 o'clock the next

14 morning.

15 Q. And then where does Sabu go?

16 A. Into his pen area, which is in

17 front of the night house.

18 Q. What kind of flooring does the pen

19 area have?

20 A. It is all sand and dirt.

21 Q. Are there any other elephants in

22 that pen area?

1 A. No, ma'am.

2 Q. And how large is that pen area?

3 A. I would say 75 by 75.

4 Q. Feet?

5 A. Yes, ma'am.

6 Q. What is your basis for saying

7 that?

8 A. Because I don't know accurately

9 but I have a pretty guesstimate on the length

10 of how big the pen is, itself, just by sight.

11 I have not accurately measured it, no. But by

12 sight, pretty accurate. Not pretty accurate

13 but I understand the distance. I can pretty

14 much guesstimate the distance.

15 Q. And that's just based on your

16 daily observation of the area?

17 A. Yes, ma'am.

18 Q. Is Sabu chained at all during the

19 time he is in the pen area?

20 A. No, ma'am.

21 Q. How long does he stay in the pen

22 area?

1 A. Until between 5:00 and 6:00
2 o'clock at night.

3 Q. Then he goes back into the night
4 house. Is that correct?

5 A. Yes, ma'am.

6 Q. Then you said something about a
7 night pen area. What is that?

8 A. The night pen area is in front of
9 the night house. What I mean is you have a
10 barn where it is the night house and in front
11 of that barn area is another pen prior to the
12 holding pen that he is in during the daytime.

13 Q. Is the holding pen that he is in
14 during the daytime enclosed by something?

15 A. Yes, it is enclosed by ballards.

16 Q. By ballards?

17 A. Fencing, metal fencing.

18 Q. Can you describe that to me, what
19 that looks like?

20 A. Ballards consist of round poles
21 all along the fencing -- along the pen area,
22 capped on the top by a rail. And poles are

1 maybe 12 to 14 feet tall. And spaced at two
2 and-a-half foot intervals all around the pen
3 area.

4 Q. So there is a two and-a-half foot,
5 approximate, gap between two poles. Is that
6 correct?

7 A. Yes, ma'am.

8 Q. Is there electricity used at all
9 for that enclosure?

10 A. No.

11 Q. And how big is the night pen area?

12 A. That's what I just told you. The
13 night pen area itself is, I would say, 25 by
14 25.

15 Q. Does Sabu spend time in the night
16 pen area during the day?

17 A. No.

18 Q. Does he spend time in the night
19 pen area during the night?

20 A. Yes.

21 Q. So if he wanted to go out of the
22 night house, he could go into the night pen

1 area. Is that correct?

2 A. Yes, ma'am.

3 Q. If he wanted to go from the night

4 house into the holding pen area, could he do

5 that during the night, too?

6 A. No, ma'am.

7 Q. And what kind of flooring does the

8 night pen area have?

9 A. It is a concrete floor.

10 Q. Could you tell me how Prince is

11 housed at Williston?

12 A. Pretty much the same setup as

13 Sabu.

14 Q. So Prince has his own night house.

15 Is that correct?

16 A. Yes, ma'am.

17 Q. He does not share that with any

18 other elephants. Correct?

19 A. No, ma'am.

20 Q. It also has concrete flooring?

21 A. Yes, ma'am.

22 Q. And it is about the same size as

1 the night house used by Sabu?

2 A. Yes, ma'am.

3 Q. And it also has a night pen area?

4 A. Yes, ma'am.

5 Q. And it also has concrete flooring?

6 A. Has concrete flooring, yes.

7 Q. And is the night pen area about

8 the same size as the night pen area that is

9 available to Sabu?

10 A. Yes, ma'am.

11 Q. Does Prince also have access

12 during the day to a holding area?

13 A. Yes, ma'am.

14 Q. And is that of the same basic

15 description as the one that you described for

16 Sabu?

17 A. Yes, ma'am.

18 Q. Does Prince also spend -- go into

19 the night house area at around 5:00 or

20 6:00 each night?

21 A. Yes, ma'am.

22 Q. Does he stay there until 8:00

1 run horizontally, not vertically, all around
2 the holding area for the elephants. And each
3 section of the barn is sectioned off with
4 gates, swinging gates that are the same steel
5 ballards, for individual pens for these
6 elephants.

7 Q. So each of the three female
8 elephants, Siam, Cora and Putzi, have a
9 separate enclosure within the main barn area.
10 Is that correct?

11 A. Yes.

12 Q. But they are all in the same main
13 barn area?

14 A. Uh-huh.

15 Q. Is that true with respect to the
16 nighttime and the daytime?

17 A. Yes, ma'am.

18 Q. Are any of the three elephants
19 ever put in the same enclosure together?

20 A. In the barns, no. When we have
21 them out in the holding pens outside, Cora and
22 Putzi are with each other. Siam is by

1 herself.

2 Q. Let's do Siam first. How long
3 does Siam stay in the main barn area each day?

4 A. From between 5:00 and 6:00 at
5 night until 8:00 o'clock in the morning.

6 Q. What kind of flooring does the
7 main barn area have?

8 A. Concrete.

9 Q. And is she on chains at all?

10 A. No.

11 Q. What happens at 8:00 o'clock in
12 the morning?

13 A. We come in, water them, feed them
14 mash concentrate, which also consists of
15 whatever veterinarian medicine they need, walk
16 them out to the holding pen areas, and let
17 them be elephants out there, until 5:00 or
18 6:00 o'clock.

19 Q. So Siam goes into the holding pen
20 area at about 8:00 o'clock in the morning
21 until about 5:00 or 6:00 at night?

22 A. Right.

1 Q. And then she goes back into the
2 barn area. Is that correct?

3 A. Yes, ma'am.

4 Q. What kind of flooring does the
5 holding pen area have?

6 A. Sand and dirt.

7 Q. During the time that Siam is in
8 the holding pen area each day, is she by
9 herself?

10 A. Yes.

11 Q. And has that been true since you
12 started working at Williston?

13 A. Yes, ma'am.

14 Q. And has the basic regime that you
15 described with respect to Sabu and Prince also
16 been true since you started working at
17 Williston?

18 A. Yes, ma'am.

19 Q. Tell me about Cora. She is also
20 in a separate enclosure within the main barn
21 area from about 5:00 or 6:00 at night until
22 8:00 o'clock the next morning. Is that

1 correct?

2 A. Yes, ma'am.

3 Q. Within her enclosure, there are no
4 other elephants within her separate enclosure
5 in the barn area. Correct?

6 A. Yes.

7 Q. And then at 8:00 o'clock in the
8 morning she goes out into the holding pen
9 area. Is that correct?

10 A. Yes, ma'am.

11 Q. How big is the holding pen area?

12 A. We have three different, four
13 different pen areas. The areas that are
14 behind the barn area are 25 by 25 feet. The
15 large holding area is at least 75 by 75.

16 Q. When you said earlier that Siam
17 goes into the holding pen area at about 8:00
18 o'clock in the morning, which holding pen area
19 is she going into?

20 A. As you walk into the barn, it will
21 be to the left of the entrance to the barn,
22 all the way down to the very end of the

1 horizontal ballards. And she would be there.

2 Q. Is that the large holding pen area
3 that you described or the small one?

4 A. I am sorry, you are talking about
5 outside. My mistake. I thought you meant
6 with the barn.

7 Q. Let the record be clear. I am
8 talking about when she goes in at 8:00 o'clock
9 in the morning to the holding pen area, Siam,
10 which holding pen area does she go into?

11 A. What we do is we move the
12 elephants into different holding pens every
13 day. So we rotate them so every day they are
14 not in the same holding pen. Like I said, the
15 three that are behind our barn area are 25 by
16 25 feet. The one in front is 75 by 75. Each
17 elephant has access to that holding pen every
18 third day. So they are rotated around to the
19 different holding pens.

20 Q. So every third day Siam has access
21 to the large holding pen area. Is that
22 correct?

1 A. Yes, ma'am.

2 Q. But even when she is in the large
3 holding pen area, she is by herself. Is that
4 correct?

5 A. Yes, ma'am.

6 Q. Cora, when she is released into a
7 holding pen area at 8:00 o'clock in the
8 morning, she goes into one of the three
9 holding pen areas. Is that correct?

10 A. One of the four. Along with
11 Putzi.

12 Q. Cora and Putzi stay together
13 during the day. Is that correct?

14 A. Yes, ma'am.

15 Q. And is that true every day?

16 A. Yes, ma'am.

17 Q. Why do they stay together?

18 A. Cora and Putzi have bonded as a
19 friendship over the years. They have always
20 been with each other. So we keep them
21 together as friends.

22 Q. So Cora and Putzi also have access

1 to the large holding pen area that you
2 described every third day. Is that correct?

3 A. Yes, ma'am.

4 Q. Otherwise, on the other days, are
5 Cora and Putzi in one of the smaller 25 by 25
6 holding pens together?

7 A. Yes, ma'am.

8 Q. Since you have been at Williston
9 have any of the three female elephants, Siam,
10 Cora and Putzi, left Williston for any reason?

11 A. No, ma'am.

12 Q. How many times a day are the
13 elephants provided water in Williston?

14 A. They have access to water all the
15 time. When they are in the holding pens. And
16 then we also water them once in the morning
17 and once in the evening when we are bathing
18 them.

19 Q. How about when they are in the
20 barns? Do they have access to water?

21 A. No, ma'am.

22 Q. Do any of the five elephants that

1 you have discussed who were at Williston,
2 Siam, Cora, Putzi, Sabu or Prince, spend any
3 time tethered?

4 A. No, ma'am.

5 Q. Who is currently in charge of
6 Williston?

7 A. Gary Thomas.

8 Q. When did he become in charge of
9 Williston?

10 A. In January of '07.

11 Q. What were the circumstances of him
12 becoming in charge of Williston?

13 A. Mr. Harry Locker had passed away
14 and I guess Feld Entertainment contacted
15 Mr. Thomas. I am not sure exactly how he was
16 hired.

17 Q. When did Mr. Locker pass away?

18 A. In January of '07.

19 Q. Had Mr. Locker been ill?

20 A. Mr. Locker had -- no, I don't know
21 his personal, his medical history, but I know
22 he had severe back problems. He was taking

1 Q. That's all right.

2 How did you meet him?

3 A. Mr. Rider applied for a position
4 for work at the Ringling show and they brought
5 him out to work with us with the elephants.

6 Q. What was his job?

7 A. He started out as just a laborer
8 but, at the end of his work there, he was
9 working as a barn man, which curtails him
10 taking care of the barn while people are there
11 and not there. Which means he is cleaning up
12 behind the elephants, he is feeding the
13 elephants.

14 Q. Did he spend a lot of time with
15 the elephants in that capacity?

16 A. As the barn man?

17 Q. Yes.

18 A. On his eight hour shift, yes, he
19 did.

20 Q. So you worked with Mr. Rider in
21 1997? Is that correct?

22 A. Yes, ma'am.