

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION  
OF THE CRUELTY TO ANIMALS, ET AL.,

Plaintiffs,

vs.

FELD ENTERTAINMENT, INC.,

Defendant.

CA No. 03-2006  
Washington, DC  
February 12, 2009  
10:00 a.m.

AM Session

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TRANSCRIPT OF BENCH TRIAL  
BEFORE THE HONORABLE EMMET G. SULLIVAN  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs:

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HOWARD M. CRYSTAL, ESQUIRE  
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I N D E X

WITNESS                      DIRECT    CROSS    REDIRECT    RECROSS

For the Plaintiff:

TOM E. RIDER                      17

P R O C E E D I N G S

COURTROOM DEPUTY: Civil Action 02006, American Society for the Prevention of Cruelty to Animals et al. versus Feld Entertainment, Inc. Counsel please identify yourselves for the record.

MS. MEYER: Katherine Meyer for the plaintiffs, Your Honor.

THE COURT: Ms. Meyer.

MS. SANERIB: Good morning. Tanya Sanerib for the plaintiffs.

THE COURT: Good morning.

MS. WINDERS: Good morning, Your Honor. Delcianna Winders for the plaintiffs.

THE COURT: Good morning.

MS. SINNOTT: Good morning. Michelle Sinnott, tech

1 for the plaintiffs.

2 THE COURT: Good morning.

3 MR. SIMPSON: Good morning, Your Honor. John  
4 Simpson for the defendant.

5 THE COURT: Good morning, counsel.

6 MS. PETTEWAY: Good morning. Kara Petteway for the  
7 defendant.

8 THE COURT: Ms. Petteway.

9 MS. JOINER: Good morning. Lisa Joiner.

10 THE COURT: Ms. Joiner.

11 MR. SHEA: Good morning, Your Honor. Lance Shea  
12 for the defendant.

13 MS. PARDO: Good morning, Your Honor. Michelle  
14 Pardo.

15 THE COURT: Ms. Pardo.

16 MS. STRAUSS: Good morning, Your Honor. Julie  
17 Strauss for the defendant.

18 THE COURT: Ms. Strauss.

19 MR. PAULISOL: Derek Palosoul, technician for the  
20 defendants. Good morning.

21 THE COURT: All right, counsel, let's proceed.

22 MS. MEYER: Your Honor, before we call Mr. Rider as  
23 a witness, we have two preliminary matters that we'd like to  
24 take up. One is I'd like to make a motion with respect to --  
25 pursuant to Rule 106 of the Federal Rules of Evidence to have

1 admitted into evidence a pleading in the case that was  
2 referred to yesterday by counsel for the defendant when they  
3 were reading into the record deposition testimony of Mr. Frank  
4 Hagan. It was mentioned that he had a lawsuit pending against  
5 Feld Entertainment.

6           And for purposes of completeness I'd like to have  
7 marked as an exhibit -- and it would be Exhibit 162, for  
8 plaintiffs -- a copy of Mr. Hagan's motion for judgment in  
9 that case, just so that the record will reflect the nature of  
10 the proceeding that was referred to by the defendant  
11 yesterday.

12           THE COURT: Any objection?

13           MR. SIMPSON: Is this the federal court case or --

14           MS. MEYER: I'll tell you what it is. It's in the  
15 Circuit Court for the City of Norfolk.

16           THE COURT: Counsel, you have to use that mic.  
17 Either use the microphone at the table -- make sure the green  
18 light is on. So that counsel --

19           MR. SIMPSON: We might not have an objection if I  
20 knew what it was.

21           MS. MEYER: Here it is.

22           MR. SIMPSON: No objection, Your Honor.

23           THE COURT: All right. It's admitted.

24           MS. MEYER: Then Ms. Winders wants to address the  
25 second matter.

1 MS. WINDERS: Good morning, Your Honor.

2 THE COURT: Good morning.

3 MS. WINDERS: We would also like to introduce  
4 Plaintiffs' Will Call Exhibit 7, if we can pull that up, Ms.  
5 Sinnott. This is a USDA report of investigation of Feld  
6 Entertainment. And if we can go to Page 3 of this exhibit.

7 THE COURT: Why is it being offered at this time?

8 MS. WINDERS: This is being offered because this is  
9 a USDA determination that there was physical abuse by an  
10 employee, Ringling employee, in using the bull hook, and this  
11 is going to help illuminate Mr. Rider's testimony.

12 THE COURT: Any objection?

13 MR. SIMPSON: Your Honor, we object to this report  
14 because it's got no foundation, it's not complete. The  
15 certification that was submitted with this demonstrates that  
16 it was not prepared contemporaneously with the events. It  
17 purports to be a United States Department of Agriculture  
18 document prepared a year after the events in question. It  
19 concerns elephants that Mr. Rider never knew, never worked  
20 with. Involves events that were anywhere from three to four  
21 years or five years after his employment. So we think it's  
22 irrelevant, it's got no foundation, and it would confuse the  
23 issues.

24 THE COURT: Now, what is lacking here? You say  
25 it's not complete.

1 MR. SIMPSON: It's not complete because it refers  
2 to several attachments that are not attached to the document.

3 THE COURT: Where are the attachments? Do you have  
4 them?

5 MS. WINDERS: Yes, there were exhibits to the  
6 document, and we're happy to move the complete file, meaning  
7 the exhibits, in.

8 THE COURT: Why don't you offer the complete file.  
9 Then I'll entertain whatever objections there may be to the  
10 complete file.

11 MS. WINDERS: That's fine, Your Honor. We'll move  
12 in the complete investigative file, meaning the report as well  
13 as the exhibits attached thereto. With regard to  
14 foundation --

15 THE COURT: Were you provided with a copy of the  
16 complete file?

17 MR. SIMPSON: What is on the exhibit list is just  
18 this cover memorandum. And it makes reference to many  
19 statements that are double and triple hearsay in this. And  
20 there's no foundation, there's no witness before the Court who  
21 can tell the Court what this document means in the enforcement  
22 scheme of the USDA. It's just being offered in out of the  
23 blue.

24 THE COURT: I should have been told about this  
25 yesterday. Apparently this is some important document you

1 want to use to examine this person. Or maybe you don't need  
2 it, I don't know. But why am I just told about this this  
3 morning? I don't have the complete document, I've not had a  
4 chance to read it, to think about it, to consider the  
5 objections. I'm not prepared to allow it to come into the  
6 record now. We'll proceed with Mr. Rider.

7 MS. WINDERS: Thank you, Your Honor. Defendant was  
8 informed that we intended to use this.

9 THE COURT: The Court should have been informed,  
10 counsel. We had some time yesterday, it would have been most  
11 appropriate to bring it up so the Court could consider it over  
12 the evening hours if necessary, so I could read that multipage  
13 document. I was told he was going to testify, he's the lead  
14 plaintiff in this case. I think everyone was prepared to hear  
15 his testimony, certainly the Court was. And you know, it  
16 would have been desirable to have had this document yesterday,  
17 at least to have notice that you intended to use it.

18 So I'm not prepared to allow you to use it at this  
19 point. It may well be that it's appropriate to let it become  
20 a part of the evidentiary record later. But I haven't had a  
21 chance to look at it and read it. I assume it's a multi-page  
22 document, isn't it?

23 MS. WINDERS: It is, and it was on our 72-hour  
24 filings.

25 THE COURT: Did you provide counsel with all the

1 pages or just the front page of that or the two pages that you  
2 have on this?

3 MS. WINDERS: We provided counsel -- in discovery  
4 we provided the complete investigatory file for -- on our  
5 pretrial statement we listed simply the report of  
6 investigation and not the exhibits; however, in response to  
7 their completeness objection we're willing to also include the  
8 exhibits.

9 THE COURT: And I'll be happy to take a look at it.  
10 I'm just not going to do it right now. We'll proceed with Mr.  
11 Rider. And if it's appropriate for the Court to allow it to  
12 become a part of the record, and then you have to bring Mr.  
13 Rider back, then you'll have to bring him back. But let's  
14 proceed with his testimony now.

15 MR. SIMPSON: Your Honor, I just want to make one  
16 note, that this document was not on the 72-hour list for Mr.  
17 Rider.

18 THE COURT: It was not?

19 MR. SIMPSON: It was not. It was on a prior  
20 72-hour list, but not the one for this witness.

21 THE COURT: My rule was crystal clear the other  
22 day, that I wanted the exhibits listed on there. I think it  
23 was only fair. Is that -- what is your response to that?

24 MS. WINDERS: This was listed as an exhibit that we  
25 intended to introduce prior to Mr. Rider's testimony.

1 THE COURT: Was it on the 72-hour list?

2 MS. WINDERS: Yes, Your Honor.

3 THE COURT: This is the third instance where  
4 someone says it's not there and someone says it is there.

5 MS. WINDERS: I believe we're saying the same  
6 thing.

7 MR. SIMPSON: I can put it under the ELMO if  
8 there's any question.

9 MS. WINDERS: What I'm saying is it was listed as  
10 an exhibit we intended to introduce separately, prior to Mr.  
11 Rider's testimony. I don't believe defendant disagrees with  
12 that.

13 THE COURT: I'm sorry. So it was not on the  
14 72-hour list then?

15 MS. WINDERS: It was listed on the 72-hour list.

16 THE COURT: It's either there or not there. Where  
17 is the listing?

18 MS. WINDERS: It's the first item on this list.

19 THE COURT: That's your Exhibit 7?

20 MS. WINDERS: Yes, Your Honor.

21 THE COURT: Counsel.

22 MR. SIMPSON: Do you have a copy that doesn't have  
23 notes on it?

24 THE COURT: It appears to be there.

25 MR. SIMPSON: Your Honor, this is the list that we

1 received.

2 THE COURT: Wait a minute. The first one, this one  
3 says plaintiffs' witness and exhibit list for Thursday,  
4 February 12. The other document -- I didn't notice the  
5 sub-caption on the other document. What is the --

6 MS. WINDERS: The other document was for yesterday.  
7 We planned to move it in if we had time yesterday, so that it  
8 would have been moved in before Mr. Rider testified.

9 MR. SIMPSON: Your Honor, I don't have -- I'm not  
10 saying we didn't have notice that this might be offered in  
11 this trial. We have a number of things that have backed up.  
12 But when we asked what is going to be offered with Mr. Rider,  
13 they said what is on the Rider list, plus two additional  
14 items. And it wasn't Plaintiffs' Exhibit 7.

15 THE COURT: All right. So it was offered as -- it  
16 was listed as an exhibit to be offered yesterday but it was  
17 never offered yesterday. That's what you're saying?

18 MS. WINDERS: That is correct.

19 THE COURT: You're trying to offer it today, and I  
20 think you're both -- it doesn't appear it was on today's  
21 exhibit list. Let me see the document. Let me see the  
22 complete document.

23 MS. WINDERS: The certification?

24 THE COURT: The complete exhibit, the document that  
25 you want to become a part of the evidentiary record.

1 MS. WINDERS: Okay. Ms. Sinnott has it pulled up.  
2 Would you like her to scroll through it.

3 THE COURT: I'll take a recess and I'll look at it  
4 and read it in chambers. And your objection is with respect  
5 to what, the hearsay that is contained in the document, the  
6 fact that the investigations are what, are old in time or  
7 something?

8 MR. SIMPSON: This happened like six years after he  
9 worked for the company.

10 THE COURT: Six years after Rider's services  
11 were -- actually after he left the circus then?

12 MR. SIMPSON: This concerns events in August  
13 of 2004, observed by another person who has not testified in  
14 this case.

15 THE COURT: Rider left the circus when?

16 MR. SIMPSON: 1999.

17 MS. WINDERS: 1999.

18 THE COURT: What is the relevance of this report  
19 then, insofar as this witness is concerned?

20 MS. WINDERS: I believe that can be addressed when  
21 Mr. Rider is --

22 THE COURT: I need to know now. What is your  
23 proffer?

24 MS. MEYER: Could I address that, Your Honor?

25 THE COURT: Someone should.

1 MS. MEYER: Your Honor, I'm simply going to use  
2 that document to -- as illustrative evidence with Mr. Rider,  
3 to ask him --

4 THE COURT: This document was prepared and  
5 documents events that occurred long after Mr. Rider left the  
6 services. I doubt that it has relevance or evidentiary value  
7 insofar as Mr. Rider's testimony is concerned. And that's why  
8 I'm asking for a proffer as to what the evidentiary value  
9 is --

10 MS. MEYER: I'll tell you.

11 THE COURT: -- insofar as Mr. Rider is concerned.  
12 He left in '99.

13 MS. MEYER: If I can explain it to you, Your Honor.  
14 This is a report of an investigation by the USDA concerning  
15 another incident that occurred at Ringling Brothers, and the  
16 USDA concludes that what the USDA investigator is looking at  
17 on a videotape constitutes physical abuse of a Ringling  
18 Brothers elephant. We have the report that says that, and we  
19 have the exhibit, the videotape that the investigator is  
20 referring to when he concludes this, referring to the  
21 videotape, is physical abuse.

22 THE COURT: And the videotape is a tape of events  
23 when?

24 MS. MEYER: Events that occurred in 2004. So all I  
25 want to do is ask Mr. Rider, if he looks at this videotape,

1 did he see similar incidents when he worked at Ringling  
2 Brothers.

3 THE COURT: He can tell us what he saw. He can  
4 tell us what he saw.

5 MS. MEYER: Yes.

6 THE COURT: I'll let him tell us what he saw. But  
7 I'm not inclined -- I'll take a very, very short recess and  
8 look at this document. We have a copy. And do we have all  
9 the attachments to this document?

10 MS. MEYER: There is another thing you need to know  
11 about this document, Your Honor.

12 Do you want to address that? The certificate.

13 MS. WINDERS: Yeah. Before you take a recess I did  
14 want to show you the certificate we have from the USDA  
15 certifying this exhibit, pursuant to 902(11). But yes, the  
16 exhibits are on the document Ms. Sinnott has pulled up here.  
17 The video exhibits are not on the document. One of them is  
18 listed as Plaintiffs' Will Call 128. I don't believe the  
19 other one has been listed as an exhibit yet.

20 THE COURT: These are, what, tapes of abuse of this  
21 hook with the elephants, I assume.

22 MS. WINDERS: Yes, it's a videotape upon which USDA  
23 based its conclusion.

24 THE COURT: And that filming occurred long after  
25 Mr. Rider -- so you want Mr. Rider to be in a position to

1 testify that if he looks at this tape and sees the use of bull  
2 hooks in this tape, that indeed that comports with his  
3 recollection of events that precede his departure date?

4 MS. MEYER: Exactly, Your Honor. And the reason  
5 that's significant, Your Honor, is because you yourself have  
6 expressed an interest in knowing what does the USDA think  
7 where the line should be drawn.

8 THE COURT: Maybe the USDA can speak for itself.

9 MS. MEYER: Well, Your Honor, the way we got --  
10 we're getting this document into evidence is as a business  
11 record of the USDA, and we went to great lengths to get a  
12 certificate from the USDA testifying that this report of an  
13 investigation and the exhibit are in fact records that were  
14 compiled by the agency pursuant to its regularly conducted  
15 business, maintained in the regular course of its business --

16 THE COURT: And there may be an independent basis  
17 for the admissibility of that document, but I'm not so sure  
18 it's appropriate to show it to Rider. It's a tape of events  
19 that may have some weight, and it may well be that there's an  
20 independent basis for that document to become a part of the  
21 evidentiary record and the Court to give it whatever weight it  
22 wants to or that's appropriate to give the report of an  
23 investigatory government agency.

24 But to show him this and ask him six years later  
25 did you ever see anything like that, I'm not so sure that that



1 THE WITNESS: Good morning, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. MEYER:

4 Q. Good morning, Mr. Rider.

5 A. Good morning.

6 Q. Could you please state your full name for the record.

7 A. It's Tom Eugene Rider.

8 Q. And how old are you, Mr. Rider?

9 A. 58.

10 Q. And what level of education do you have?

11 A. GED.

12 Q. And when did you get your GED?

13 A. In the summer of 1971.

14 Q. And have you ever worked for the Ringling Brothers  
15 circus?

16 A. Yes, ma'am.

17 Q. When was that?

18 A. June 3rd of '97 until November 20 something in --  
19 around the 25th of November, '99.

20 Q. And which unit did you work for?

21 A. The Blue Unit.

22 Q. Did you work for the Blue Unit the entire time you  
23 worked there?

24 A. Yes, ma'am.

25 Q. What were your job responsibilities?

1 A. In the beginning I was like a barn helper, helping  
2 clean up around the elephants, mainly just helping out with  
3 anything that needed to be done, sweeping, cleaning.

4 Q. And you said in the beginning. Did your job  
5 responsibilities change at some point?

6 A. Yes, ma'am, about roughly three months or so later.  
7 Well, I was -- there became a afternoon barn position open as  
8 barn man, and I was offered that position and I took it. When  
9 we arrived in Dallas I became the afternoon barn man.

10 Q. What does that mean, being the afternoon barn man?

11 A. That means I worked from 3:30 to 10:30 and my  
12 responsibilities were to clean up after the elephants, never  
13 take my eyes off the elephants. Always be there with them, if  
14 they needed food, feed them out at night, water them, and just  
15 basically be the -- watch over them for those hours.

16 Q. And who were your supervisors when you worked at  
17 Ringling Brothers?

18 A. When I started it was Graham Thomas Chipperfield, and  
19 at winter quarters that year, which would have been -- or in  
20 December, we switched over, and Randy Peterson took over, and  
21 Randy was there for the next two years.

22 Q. Can you tell us the names of the elephants that were on  
23 the Blue Unit when you worked for the Blue Unit?

24 A. Yeah. Let's see, there was Meena, Lecheme.

25 Q. Go slow for the reporter.

1 A. Sorry. Lecheme, Camella, Zina, Lutzi, Susan, Roma,  
2 Jewell, Rebecca, Sophie, Karen, Mysore, Minnie, and Nicole.

3 Q. Did you have an opportunity to observe the way the  
4 elephants were handled by Ringling Brothers employees when you  
5 worked there?

6 A. Yes, ma'am.

7 Q. And who handled the elephants during the time that you  
8 worked for the Blue Unit?

9 A. Well, there was -- I can name them. There was like  
10 Randy Peterson and Alex Vargas, Daniel Raffo. There's Andy  
11 Weller, there was Suny, Robert Ridley.

12 Q. Suny is the same person?

13 A. Suny is Robert Ridley.

14 Q. Okay.

15 A. Let's see. Pat -- well, Pat Harned didn't come till --  
16 in the beginning, Pat Harned wasn't there yet. There was a  
17 number of people hired off of the -- you know, hired and let  
18 go and they -- or they quit, either one, so there was quite a  
19 few just barn help. But the main handlers that were there for  
20 a long period were the ones that I named.

21 Q. Okay. And how much time did you spend on the road with  
22 the circus each year that you were there?

23 A. Well, the first year we went to winter quarters because  
24 we were changing shows, so I believe we got down there shortly  
25 after Thanksgiving. And you stay there until the new -- you

1 do a lot of rehearsals, so we were in Tampa the first year. I  
2 believe our first show started that year after the -- after  
3 Christmas. And then we started the new show, and then we were  
4 on the road for approximately 48 to 50 -- or 48, 47, 48, 49  
5 weeks. You only go down to Orlando for a couple weeks and  
6 then you go back on the road.

7 Q. You've mentioned the term winter quarters a couple of  
8 times. Can you explain to Judge Sullivan what winters  
9 quarters is?

10 A. Yes. Winter quarters is where they -- for instance, if  
11 the show was ending its two-year run, then you go to Tampa,  
12 and it was at Tampa fairgrounds, and we would set up there in  
13 the fairgrounds, and that is where you do rehearsals. Then  
14 once you're out on the road, after the first year we went to  
15 Orlando, Florida. And we went to the, I believe it's called  
16 the Orange County Fairgrounds. And we set up there for just a  
17 few weeks while you're kind of in between, just to give you an  
18 opportunity to fix things up and get ready to be back out.

19 Q. How much time did you spend with the elephants each day  
20 when you worked at Ringling Brothers?

21 A. Well, in the beginning I started at 8:30 in the morning  
22 and worked until -- you know, we had our lunch breaks and  
23 then, if there was no show, we would go -- sometimes we were  
24 off or we'd go home, 6, 6:30 at night. If there was a show,  
25 you always did the shows. Saturday was three shows, Sunday

1 usually two. Then when I became barn man it was always 8:30  
2 to 3:30. I worked 13 days in a row and then I got one day  
3 off.

4 Q. And how much of the time that you were working did you  
5 spend with the elephants?

6 A. When I was barn man, the whole time. The rest of the  
7 time actually I was still in the barn, I was just helping  
8 around. So all the time I was there I was around the  
9 elephants.

10 Q. Do you have any general observations about the  
11 characteristics of the elephants?

12 A. Yeah. Well, if -- I'll just start at the beginning.  
13 Meena -- the first three elephants, Meena, Lecheme and  
14 Camella, we called them the English. And they are the ones  
15 that I kind of hung around the most time because we couldn't  
16 go to the other side. So Meena, she was the biggest one of  
17 the three, and she was -- she had a very playful and close  
18 relationship with me, because if I'd clean around her or  
19 something, and she wouldn't raise her foot or something, and I  
20 would walk away, she'd raise her foot and leave that little  
21 pile there. And she was very, you know, very loving toward  
22 me. I got a great relationship with her.

23 And then Lecheme was always in the middle.  
24 Lecheme was the shortest of the three, so she was the one you  
25 had to -- we kind of took care of Lecheme. She was in the

1 middle of these two big girls, and when we'd feed out at night  
2 Camella would like try to take all her apples, so I would try  
3 to stand between them so she didn't steal all the apples from  
4 Lecheme.

5           Camella, she was kind of like -- I really loved  
6 Camella. She would put -- you'd put your arm around her and  
7 she would put her trunk around you. She was playful too. She  
8 was the one -- and I always talked to them, so I could set  
9 there and play with her.

10    Q.   If I could interrupt you. The English, you said we  
11 called them the English, three of the elephants. What do you  
12 mean by that?

13    A.   Well, when Graham Chipperfield was there, they belonged  
14 either to him or his father. They -- I know he -- we called  
15 them the English because they came over from England with  
16 Graham. I mean, that is what I was told. I wasn't there when  
17 they came over, but Graham -- and they were, I guess, under  
18 lease or something with Ringling. They stayed there after  
19 Graham left.

20    Q.   I'm sorry. If you can continue describing. I guess  
21 you were describing the personalities of the various  
22 elephants.

23    A.   Okay. Well, we had, you know, that's -- then you had  
24 Zina. Zina had -- it was -- her trunk, she couldn't -- about  
25 this far up from the bottom of her trunk it became kind of

1 (indicating), like it bulged out a little, kind of like a  
2 paralyzed trunk. She couldn't really pick stuff up. She'd  
3 have to throw it up into her mouth and then spin her trunk  
4 around, so we -- kind of like an egg beater would do. And  
5 she -- so we really kind of -- I thought it was always Tommy  
6 Henry. Tommy Henry is one of the -- he had been there quite a  
7 while, years, and we called him like -- you know, Tommy Henry  
8 was God to us. He knew the elephants. And I always thought  
9 Zina was his, so we always really, really -- Zina was just  
10 this -- she was a sweetheart. She just -- you'd kind of take  
11 care of her.

12           Then we had Susan and Lutzi. Susan was a little  
13 shorter than Lutzi, and Susan and Lutzi, they were kind of  
14 like always -- Lutzi would try to push Susan over, you know,  
15 or she would always just kind of -- they were very playful  
16 with each other. You know, they -- they were always -- it was  
17 always like Lutzi being dominant over Susan, so it was always  
18 kind of -- we were always like Lutzi, leave Susan alone. She  
19 was always just push her out of the way for some reason or --  
20 you know, but not hurt her, wasn't trying to hurt her, just  
21 trying to move her out, just like they play. And so, I really  
22 loved those two too. They were very good elephants.

23           Then we had Roma. I wasn't with Roma very long.  
24 Roma, we called her "no apples." Something -- she couldn't  
25 have apples. So she was always the one we kept just -- no

1 apples, you didn't give her any apples. I don't know what the  
2 reason was, but I was always told no apples. So we called her  
3 No Apples Roma. And she left in New Orleans, so I was only a  
4 couple months with her. But she was -- you know, it was --  
5 she was just like the rest of them. She was just there being  
6 an elephant, you know -- you know, just standing there on the  
7 picket line chained up and couldn't really do much. She'd  
8 just stand there.

9                   And then we go to -- the next one was Jewell on  
10 the end. I'm going to use it as if we curved it, because  
11 usually in the tent we had them going down one side, come  
12 across the bottom and up the other site. So it was usually  
13 down at the bottom we had Jewell. Jewell or Rebecca sometimes  
14 down there. Now Jewell, she was a little bit smaller than the  
15 other ones. She was -- she was just easy to be around and,  
16 you know, we'd never -- she'd do usually what I told her. If  
17 I told her to raise her foot, she'd do it. If I had to clean  
18 under her, she'd do it. You just talk to them, you get to  
19 know them, and you just, you know exactly, okay, Jewell is  
20 cool, she'd just stand down there and be herself.

21                   Then you have Rebecca. Rebecca, she was a  
22 sweetheart. Rebecca was -- one of the guys there, Andy  
23 Weller, he would be the one that would be handling Rebecca  
24 most of the time. So -- and Rebecca was an easy elephant to  
25 handle as far as that went. She was like -- when I got to

1 Rebecca, I knew I couldn't go too much further because --  
2 we'll get to Karen in a minute, but there was always Rebecca  
3 and then it was Sophie. So I'd clean up mostly around and I  
4 could be there by Rebecca, and I could reach over and clean  
5 behind Sophie.

6           Now Sophie, she was there, but I would say I was  
7 more used to the right -- facing her, I was more used to the  
8 right-hand side of her, because Karen, who, from day one we  
9 were told don't go near Karen, because Karen -- her -- Karen  
10 has her own little special personality. She was -- she only  
11 let certain people come near her. And you know, she would --  
12 if you come just walking right up to Karen, she'd get a little  
13 offensive. She could take a little swing at you.

14           So I never went past Sophie. I'd always have to  
15 get somebody to help me clean up behind Karen. So -- but  
16 Karen, the one thing I liked about her personality and my  
17 relationship with her was if I intentionally tried to walk up  
18 to Karen, she would get that, like, don't you dare, and she'd  
19 throw hay or something at me or just flip her trunk. She  
20 loved flipping her trunk at people.

21           But there was a time in Houston, Texas where I  
22 went to get a soda and I walked right straight between Karen  
23 and Sophie. And it was -- Randy Peterson is hollering, he  
24 said, Tom, look where you're at. And I looked up and I saw  
25 Karen. I went hi, Karen. And Karen kind of twisted back and

1 she looked at me, and just kind of one of those looks like  
2 keep going, don't stop. So I just kind of kept going. And  
3 she never, ever would ever blindsides me. If I walked up in  
4 front of her and didn't know I was there, she wouldn't do  
5 anything. But it's that -- it's -- another thing. In Boston,  
6 there's -- the bathroom was right behind Karen. So I went to  
7 the bathroom one day, and I come out, and Karen had moved back  
8 just far enough that I couldn't get out, because she'd take  
9 her chained foot and keep kind of doing this number  
10 (indicating), so I knew I couldn't get by her. So after about  
11 10 minutes. I kept telling her move up, she wouldn't do it,  
12 she wouldn't listen to me. But I took the broom and I threw  
13 it in front of her. And she went after the broom and I got  
14 out. So the rest of the night she's throwing apples at me,  
15 she's throwing hay at me, she's flipping her trunk at me. And  
16 it was all like ha, I got out.

17 So next --

18 THE COURT: She hadn't forgotten that.

19 THE WITNESS: I don't think she forgot it at all  
20 that night. It was kind of like, you know, she kept looking  
21 back when I was back there and kick at me. And when I did get  
22 out, it was okay, now, you're done, I'm -- pick an apple and  
23 throw it at me, she'd pick hay, anything she could do. She'd  
24 sit there and flip her trunk, and it was always that look,  
25 like, I'm going to get you. But...

1           It was -- later on we had Mysore next to her. We  
2 called her Grandma. Now, Mysore and Karen -- Karen would not  
3 do anything with Mysore next to her, because Mysore would just  
4 put her head into the side of Karen, and she wasn't going to  
5 move. So what I did is I would say, get over Mysore, and  
6 Mysore would put her head up against Karen, and I took the  
7 broom and I would pull the hay out, because we were -- people  
8 were coming to work and I was getting help in cleanup. I  
9 would pull the straw out, and I got way over about two  
10 elephants, maybe an elephant and a half away from her, I was  
11 over by Minnie, and I turned around and I said, can't get me  
12 now, Karen. I turned around and she reached out with her  
13 trunk, just lightly tapped me on the back. And it was like  
14 she's going, yeah, I can get you right there. And -- but not  
15 hard, it was just enough to let me know that, hey, you want to  
16 play games, I'll play games. You know. And it was -- it  
17 showed me -- I had a great respect for Karen and she had a  
18 great respect for me.

19           Mysore. Mysore is Grandma. What can you say,  
20 Mysore was just --

21 BY MS. MEYER::

22 Q. Why did you call her Grandma?

23 A. It was more her age. Of course we were -- I don't  
24 really know her age. I was told she was in her 50s. And she  
25 was kind of -- I think she had been there for a while. She

1 was an older one. I always knew that if she was there, Karen  
2 wasn't going to just come after me, period, because I stayed  
3 on that side of Mysore.

4           And so we had Minnie, who was between Nicole and  
5 Mysore. And now Minnie, we kind of called her Dribbles. She  
6 constantly dribbled urine, so we always had to put sawdust  
7 under her. That was a constant thing. So Minnie, she just,  
8 you know, was like the rest, she was a very lovable animal.  
9 You know, just stand there on the picket line chained up and  
10 just be like she was.

11    Q.   How about, you mentioned an elephant named Nicole?

12    A.   Nicole, she was on the very -- she was like the very  
13 end of the U shape.

14    Q.   Sorry. I interrupted your order there.

15    A.   I just -- I go by -- put them in a straight line,  
16 you've got Nicole first. Karen's always the fourth elephant.  
17 That was the easiest way we went by it.

18           Nicole, she was kind of young at the time, and  
19 she was -- again we -- with her, it's like stay out of the  
20 hay. If you put anything too close to her, she was going to  
21 get it. If you had the feed too close she was going to reach  
22 out and try to grab some. She was always the one that we were  
23 like, Nicole, stay out of stuff, don't tear anything up, don't  
24 get into anything. And so she was -- she was just on the end  
25 just being, you know, like the end elephant. So very, very --

1 Q. Did you cover everybody? Did you mention Lutzi?

2 A. Yeah, Lutzi and Susan.

3 Q. Okay.

4 A. Susan and Lutzi always on the train was the same way,  
5 they were just constantly -- Susan was always pushing Lutzi  
6 over and it was like, come on, Susan.

7 Q. And how did you feel about seeing the elephants each  
8 day?

9 THE COURT: Are you saying on the train they were  
10 able to engage in that activity?

11 THE WITNESS: Well, no. On the train Susan and  
12 Lutzi were chained up side by side. And what Susan would do  
13 would be push Lutzi over against -- or Lutzi would push Susan  
14 over against the wall and hold her there. And sometimes Susan  
15 would do the same thing. So they were -- there was no room to  
16 move around and play, it was just, that was the only play --

17 THE COURT: They did have space to interact,  
18 though?

19 THE WITNESS: Yeah, they had enough space where I'd  
20 say I could walk between them. A train car, like an old  
21 Pullman car, so when you have them side by side you had enough  
22 to go down the middle of them, which, I mean if they came  
23 together, which they have done to me, the English have done  
24 that, you run out of room real quick. But there was -- you  
25 had Susan and Lutzi and then --

1 THE COURT: These weren't acts of aggression toward  
2 each other in the train? It was --

3 THE WITNESS: No, it was more of a, I would say  
4 more of a, just being side by side all the time and one trying  
5 to be bigger than the other one. And of course when -- you  
6 know, one gets against the wall, then the other one starts  
7 screaming and you're like, cut it out, move over, throwing  
8 down some hay, then they'll start eating. And pretty soon  
9 that one will be out of hay and she'll go over to the other  
10 one. So it wasn't real aggressive towards each other, it was  
11 a playful --

12 THE COURT: Playful contact on the train.

13 THE WITNESS: Yeah.

14 THE COURT: All right.

15 BY MS. MEYER:

16 Q. How did you feel about seeing the elephants every day?

17 A. Well, I loved going to work, I loved seeing those  
18 elephants. The thing that I didn't like -- I mean, being  
19 chained up all the time on this picket line. When I come in,  
20 it's like walking into a tent and what you see is your  
21 elephants, they are always chained up on the picket line, you  
22 know, unless we might be in winter quarters or something where  
23 we'd set a pen up and then they'd be outside. And then it was  
24 like, you know, it wasn't a huge area, but it was -- they were  
25 out there. So it was either seeing them on the line or seeing

1 them outside. Wherever I seen them, I -- you know, I loved  
2 them. I wanted to come -- I enjoyed going to work to see the  
3 girls. I called them my girls. But -- had 14 of them there.

4 In the beginning -- and I loved going to work, I  
5 loved seeing them, but my -- the biggest thing was seeing them  
6 chained up in that line and not being able to just run around.  
7 Of course they might have been, you know, they might have done  
8 more outside. You know, being -- more roaming around when  
9 they are in the little pens for winter quarters, they were  
10 outside. So it just depended on where I was.

11 Q. When you say they were chained up, can you describe how  
12 they were chained?

13 A. Well, we have what we called the picket line. It was  
14 two chains down the middle like this (indicating), and then  
15 you put a chain in the front and a chain in the back, and they  
16 are chained from say the front left to the right rear. So  
17 they are chained front and back, opposite legs. And it was  
18 like 50 gauge chain.

19 Q. I wanted to show you -- we have an exemplar, but I  
20 wanted to show Mr. Rider and ask him if it was comparable to  
21 this.

22 Take a look at this and tell me if that's  
23 similar.

24 A. That is similar. That's 50 gauge. We had that, and  
25 then on the end of it we would have the fire hose by the leg.

1 And other than that, it was chained up. You know, it was  
2 pretty much when I started there that we didn't have pens, so  
3 they were chained from the time that I got to work until the  
4 time I left, except for the show.

5 Q. And you've mentioned pens. Tell me about the pens.

6 A. Well, in winter quarters, the first year I was around  
7 the pens, we had the tent, and then we had a grassy area, and  
8 we would -- I'm pretty sure we had three pens. Approximately  
9 30 by 30, 25 by 30 or -- they were side by side. And then if  
10 I'd come to work Randy -- some of them would be in the tent,  
11 some of them might be outside in the pens. So it just varied.  
12 It was a rarity that they were all out there, but a couple  
13 times I believe we put them all outside.

14 Q. How long was winter quarters?

15 A. The first year, four or five weeks. We got down there  
16 shortly after -- actually at Thanksgiving. I take that back.  
17 We had Thanksgiving in Tampa.

18 Q. And when you saw pens being used at winter quarters,  
19 how many elephants would be in a pen?

20 A. Well, there was -- the English were always in their own  
21 pen. Karen and Sophie were in theirs. Susan and Lutzi and  
22 I'm pretty sure Jewell would hang out in the pen together.  
23 There were certain elephants that you couldn't put in  
24 together. So they were separated in that way. So when I got  
25 to work Randy would tell me who's who and what pen. Like

1 there is Karen and there's Sophie and there's Jewell, and here  
2 is the three English, and then the rest would be inside. And  
3 when they are on the picket line they are pretty easy to tell  
4 who they are.

5 Q. How many hours a day did you see elephants chained on a  
6 picket line?

7 A. Excluding winter quarters, if we have -- once we're on  
8 the road, we would -- I mean they would be -- I'd come in at  
9 3:30 and they are on chains. They would be on chains until  
10 the cleanup crew came in at night. Then they would be --  
11 they'd take them off for a minute while they laid them down  
12 and cleaned them and then we'd chain them up again. And once  
13 everything is mucked out -- cleanup was muck out. Then we  
14 would put them -- they would be on the chain until they got  
15 ready to do whatever parts of the show that the elephants were  
16 in. Sometimes all of them were in a parade, sometimes a long  
17 mount, and then of course the show.

18 So we're talking at the most during a show  
19 probably around 35, 40 minutes out of a 2-1/2 hour show was  
20 the time they'd be off waiting to go into the show, or going  
21 in and coming out for a parade, or Karen would go in for the  
22 pre-show.

23 Then they would bring them back after the show,  
24 chain them up, and they would be there when I left at 11:30.

25 Q. Do you know whether or not the elephants would stay on

1 chains throughout the night?

2 A. To the best of my knowledge they -- when -- in the  
3 beginning, because I worked at 8:30, when we got in in the  
4 morning they were chained up, and they were chained up when we  
5 left.

6 Q. Did you ever travel with the circus when there was an  
7 indoor venue, when the elephants were maintained inside?

8 A. Yes.

9 Q. Can you give me an example of that?

10 A. New York, Madison Square Garden, they were taken up to  
11 the fifth floor -- well, the arena floor, but it was actually  
12 up a big ramp, it was five, up five floors. And right when  
13 you come off of the arena floor there was two doorways, and  
14 they were lined up there by the doorways. And that's where  
15 they stayed for the whole -- we were there three weeks. Other  
16 than -- I was a barn man at the time so -- if they went inside  
17 to -- for the show, they were unchained. I can't tell you  
18 about the daytime, only when I was there.

19 Q. When did you go to Madison Square Garden with the  
20 circus?

21 A. April, March or April of '98.

22 Q. And so how long, how many hours a day did you see the  
23 elephants at Madison Square Garden on chains?

24 A. If it wasn't a show day, from the time I get there  
25 until the time I leave. They didn't -- they couldn't exercise

1 them anywhere. You can't take them out in downtown Manhattan.  
2 Randy tried it one morning and it ended real quick. The  
3 police said take those back upstairs. It was -- you just  
4 don't do that in Manhattan on a weekday.

5 Q. Did you have an opportunity to observe the way the  
6 elephants behaved when they were on chains?

7 A. Yes, I saw them. They would always sway back and  
8 forth. That was kind of like you put 14 elephants and watch  
9 them sway. It was kind of, if you put music on, it would be  
10 like they were just this all the time (indicating), back and  
11 forth, back and forth. And it wasn't -- we didn't have a lot  
12 of music for them to listen to, but it was -- you know, no  
13 chance to really -- it was hard for them to lay down. If they  
14 laid down and tried to get up, they were always rocking, and  
15 kept rocking back and forth, trying to throw their leg up so  
16 they could get up. It wasn't -- because when they're chained  
17 up, it's hard for them to flip themselves up.

18 Q. How much room did they have to move around when they  
19 were on chains?

20 A. About putting your elbows like this (indicating).  
21 Never this far. They were always within I'd say two or  
22 three feet.

23 Q. So how many feet forward and backwards and side to side  
24 could they move?

25 A. They could go backwards about -- I just can't --

1           THE COURT: You extended your arms out to the side.  
2 So they never had the space that was at least the length of  
3 your arms extended to your side; is that right? That's about,  
4 what, six feet or so?

5           THE WITNESS: Yeah. I would say that there was  
6 a -- depending on where they were in the line, there was a  
7 couple spots down, when it went around the U, where they'd  
8 have a little bit more room there. But example, like the  
9 English elephants, and Minnie, Mysore and all them, they were  
10 elbow -- like elbow distance and never completely that far  
11 apart (indicating). They could probably move that far apart  
12 going sideways, because the chain had just enough slack where  
13 they could -- you couldn't go way back, like Karen couldn't  
14 come back and get me when she was chained, nor could she come  
15 forward too far, because either the front chain or the back  
16 chain is going to stop them from that.

17           As far as turning around, if they raised one leg,  
18 the chained leg up, they could twist enough to get maybe a  
19 third of the way around, like if they wanted to reach back and  
20 get an apple or something, because elephants have a great  
21 stretch distance on their trunk, then they can turn and reach  
22 back and grab an apple or something. But it was never just  
23 turn around unless they -- you know -- if they broke a chain  
24 or something, then they could turn around, but that would be  
25 it. When they are chained up, they really can't turn around.

1           THE COURT: Did you observe that happening often,  
2 elephant breaking a chain?

3           THE WITNESS: The one that broke it the most, Meena  
4 could break a chain. She was the first elephant in. She  
5 would break her chain. And the other one -- Karen, we had a  
6 special type of chain, because she could figure out how to  
7 undo them. They're called brummel hooks. They kind of pinch  
8 and come together like that (indicating). You put the two  
9 points. Well, she figured out how to get that undone, so we  
10 had a special one for Karen.

11           I would say with Meena, once a month you're going  
12 to get a broke chain with her. The rest of them it was rare  
13 if they broke the chain. It was mainly Meena.

14 BY MS. MEYER::

15       Q. You mentioned Karen being able to get the chain apart.  
16 Were the elephants intelligent?

17       A. Excuse me?

18       Q. Were the elephants intelligent?

19       A. Oh, yes, absolutely. I feel they are a very  
20 intelligent animal if they can -- you know, if they know that  
21 they got me trapped in a bathroom, for instance. If they know  
22 that they can stand on the thing while I'm saying "foot" and  
23 not move, yeah, that's pretty intelligent. It's all -- they  
24 are very intelligent when it comes down to -- I talk to them  
25 like I'm talking to you right now. If I was talking to -- if

1 Camella was standing right here, I'd be talking to her like,  
2 hey girl, what's going on, Camella, raise your foot, she'd do  
3 it. Meena (indicating) -- they are very intelligent. They  
4 knew -- hey, if they know the apples are coming and they want  
5 to steal apples, it takes a little bit of knowledge. It ain't  
6 just food to them, it's like I want the apples, or going after  
7 the carrots.

8 Q. Did the circus ever have what is called an open house  
9 when you worked there?

10 A. We had one in Uniondale, New York, which was the first  
11 year I was there. We had an open house.

12 Q. And can you describe what that was?

13 A. Well, we were in kind of a -- off to the side of the  
14 arena there was a big, kind of, I'll say exhibition hall, so  
15 we all know what we're talking about, like a big exhibition  
16 hall. And we had them lined up on the side, still chained up,  
17 and then we'd put up some Ringling stuff along the front, like  
18 a barricade, so people couldn't get too close to the  
19 elephants.

20 Then Randy made us pile all the hay on top of the  
21 chains, he said make sure you keep hay on it so no -- we don't  
22 want anybody really seeing the chains. So they would pile hay  
23 all over them. They had a lot of hay that night.

24 And then the people could come in, and there was  
25 a huge walkway, half the distance of this courtroom, where

1 they'd walk down, and then they could go out another door, and  
2 they had the animals all over inside of there. And the people  
3 just walked through. That was the first one we had. We never  
4 really had anything like that again where we called it an open  
5 house.

6 Q. Did you travel on the train with the circus?

7 A. Yes, ma'am.

8 Q. How many times did you do that during the time you  
9 worked at the circus?

10 A. Every time we went from town to town. When I hired on  
11 in Austin I was immediately -- I was put in the bunk car. We  
12 start out in the bunk car, which I -- it was like the old  
13 Pullmans where you have a bunk here and a bunk here, and the  
14 curtains to pull across, and a little table at the end. And  
15 we -- I was in there until we got to Tampa the first year, and  
16 then I got my own room. We got a new train car, so I had my  
17 own room, which was relatively small but, you know, capable of  
18 living in.

19 Q. How many cities did the circus go to?

20 A. Well, I want to say the first year it was 50-some  
21 because we had a couple towns where we did two in a week.  
22 Like I believe Springfield, Massachusetts or Worcester and  
23 Providence, stuff like that, we would do a couple days and  
24 then we'd move down to the other. We called them split weeks.  
25 So there was -- it wasn't every day of the year but we had

1 that first -- not my -- as I was barn man, the full tour, I'm  
2 talking about the -- called the sideshow tour. And so that  
3 was I'd say anywhere from 46 to 50.

4 Q. And did the circus travel across country?

5 A. Yes, we did.

6 Q. Did you have any responsibilities during the trips?

7 A. On the trips I was -- when my shift came up, or usually  
8 at a midday water stop, whatever the scheduled water stop was,  
9 I would go up to the elephant car and then I would be riding  
10 with the elephants for -- until the night crew came on.

11 Q. When you say a water stop, what is that?

12 A. A water stop is when we would have a chance for the  
13 train to usually stop anywhere from a half hour to an hour.  
14 And the animal crew, we'd already be up towards the elephant  
15 cars. We'd get off, run up there, everybody would run  
16 through, we'd water them, and then we'd throw down some, what  
17 we called their lunch, it was just probably half of what they  
18 got at night. Whatever Graham said throw down, or Randy said  
19 give them this or that. We'd throw down some food, and then  
20 they would leave, and I stayed on the train. So the elephants  
21 never got off of the train.

22 Q. And was there a schedule that the crew followed when it  
23 was on the train?

24 A. Yes, ma'am. At the -- we called it the pie car, it's  
25 where you get food. Right next to it had a bulletin board,

1 and they would always put up what we called the train  
2 schedule, and it would be what time we're supposed to leave,  
3 so that prevents anybody on a Sunday night from going  
4 somewhere and missing the train.

5           And then it would go through and you'd see, okay,  
6 there is a scheduled stop, let's say at 12:00. Well,  
7 depending on the railway, it wasn't up to Ringling, it was up  
8 to the railway when they could stop the train. But we tried  
9 to stay close to that schedule.

10       Q. Did the train travel through different time zones when  
11 you traveled with the train?

12       A. Yes.

13       Q. And how did you -- how did the crew keep track of the  
14 difference in the time zones?

15       A. Well, if you wanted to change your clocks, you could,  
16 but we started out, say in the Eastern time, and we were going  
17 to go into Central, you stayed on Eastern until you got to the  
18 next location. You didn't change. You would be the only one  
19 to change your clock. The schedules wouldn't change. We  
20 would stay on an Eastern time zone all the way into the next  
21 destination. If it was, let me say going from, say  
22 Tallahassee, Florida to Mobile, there was a time -- or  
23 Tallahassee, there's a time change, goes from Eastern to  
24 Central. So if we did that run, we'd start out in Eastern, we  
25 would stay on Eastern until we arrived.

1 Q. Did you have an opportunity to see how the elephants  
2 were maintained on the train?

3 A. Yes.

4 Q. Could you describe how they were maintained?

5 A. They were chained up. Sometimes on the train we would  
6 chain them on both the same side legs. This is where Susan  
7 and Lutzi had an opportunity to move. They would be chained  
8 on the inside legs by the wall of the train. Front and back.  
9 Always chained, never let loose to roam around in the train.  
10 And that's where they stayed until we got from -- when we put  
11 them on the train at night until we got there.

12 Q. And how long were these train rides?

13 A. They varied from place to place. They could be  
14 anywhere from an overnight, and they could go all the way  
15 until -- we've had a four-day run, I believe it was. Four,  
16 four and a half days from Canada to Texas.

17 Q. Now, during the train runs were the elephants ever  
18 taken off the chains?

19 A. There was -- not during a normal train run there  
20 wasn't. There was one time, as I said, between Canada and  
21 Houston, we stopped in Indianapolis. We stopped at the same  
22 train yard that we stayed in. And I believe we were there 12  
23 hours because we -- it gave everybody a chance to get off, run  
24 to the grocery store, do what they had to do. And we took the  
25 elephants and brought them off the train and put them down --

1 I think we threw up a couple pens real quick. They were easy  
2 to put up fast. And we put them in there and then the crew  
3 kind of hung around and, you know, morning or afternoon barn  
4 man, depending who was on there, just stayed there and cleaned  
5 up after them, and that was -- that was one of two times that  
6 we ever took them off the train.

7 Q. And that's for the 2-1/2 years that you worked there?

8 A. Yes, ma'am.

9 Q. And you were describing a trip from Canada to Houston,  
10 is that correct?

11 A. Yes.

12 Q. You said you got off in Indianapolis?

13 A. Uh-huh.

14 Q. Do you remember how long you were on the train from  
15 Indianapolis to Houston during that trip?

16 A. I think it was another two days. I believe it was like  
17 two days to get to Indianapolis and two days on. The thing  
18 about, we called the train a snail. It doesn't go anywhere  
19 real fast. We're not Amtrak. We got there when we got there,  
20 you know. You got a schedule but you don't get to -- you  
21 know, you just -- it depends if -- we had to pull over -- we  
22 seen rocks go by one time. And so we knew we were -- you  
23 know, we're freight, so we knew that much.

24 Q. Can you describe the surface of the train car, what  
25 kind of surface it had, flooring it had?

1       A.    Well, the elephant cars had a metal floor.  The one  
2 thing in particular I remember, when I started there --  
3 actually it was for the whole 2-1/2 years I was there, the car  
4 with the English had a broken spot in it, and there was black  
5 ooze coming out of it, which is from urine and feces.  It was  
6 just oozing out.  And it was -- it was just terrible.  We  
7 couldn't -- there was no way you were going to ever get it  
8 clean.  I mean even when we got them off the car.  And that  
9 was --

10               THE COURT:  You're referring to the horses, right?

11               THE WITNESS:  No, I'm referring to the elephant  
12 car.

13               THE COURT:  Oh.  You said the English.  What are  
14 you referring to?

15               THE WITNESS:  I'm sorry.  The English, I'm  
16 referring to Camella, Lecheme and Meena.  I'm sorry, Your  
17 Honor, I just --

18               THE COURT:  No, that's fine.

19               THE WITNESS:  Yeah, that's what we called them.  
20 But they were on like the first car, and right where they  
21 stood as you -- as you went out the back door of it there was  
22 a crack, and it just -- the floor went up and down, and it was  
23 a mess back there.  We tried to clean it as much as you could,  
24 but you just -- you can't get all the ooze out, it's not going  
25 to happen.  The other cars were just -- I want to -- it's not

1 corrugate -- diamond squares. It was metal but it had little  
2 like diamond squares. I don't know what kind of metal you  
3 would call it. The floors were all the same.

4 BY MS. MEYER:

5 Q. How soon after the elephants were loaded onto the train  
6 when you were leaving a city did you actually leave?

7 A. It could vary from -- usually we'd do a walk within a  
8 half hour to 45 minutes after the show was over, and we would  
9 take them to the train. We would put them on the train, and  
10 they stayed on the train until we got to the next location.

11 Now, most of the time we would not leave before  
12 midnight. They had to load the whole train. You have to load  
13 all the stuff on the flat cars. Then they have to hook them  
14 together. Sometimes it would be the middle of the night,  
15 sometimes it would even be the next morning. It just depended  
16 on when everything was together. We could even have sat there  
17 until the train, until Conrail, for example, because Conrail  
18 was still running. If Conrail said we're going to leave at 7  
19 in the morning, we couldn't say no, we want to leave at 3, it  
20 was up to the train when we left.

21 Q. And when you got to a new city, were the elephants  
22 unloaded right away?

23 A. When we pull into a town, you had to get -- if the bus  
24 did not go over land, if the bus was on the train, you had to  
25 wait until they got the ramps put up on the flats and they got

1 the bus off. She would run over and pick up the animal crew,  
2 and then they would come over and we would unload the  
3 elephants at that time.

4           It could vary. I mean, it could be as quick as a  
5 half hour if the bus was ready. Once they -- we called it  
6 spotting the train. Once the passenger part of it was  
7 spotted, everybody could get off, unless the train, for some  
8 reason, they'd let them off. But it was rare. So it could be  
9 anywhere from then until -- a case in Asheville, North  
10 Carolina, it was the next morning.

11    Q.    Okay. Do you know what a bull hook is?

12    A.    Yes, ma'am. It's a --

13    Q.    No, that's okay. My turn, sorry. Did you ever see a  
14 bull hook used by a Ringling Brothers employee when you worked  
15 there?

16    A.    Yes, ma'am.

17    Q.    Can you describe what the bull hooks looked like that  
18 you saw?

19    A.    The bull hook, I always -- it was like three, say three  
20 to three and a half foot long. Sometimes it was made out of  
21 Fiberglas. And on the top of it you have a metal hook which  
22 looks like a fireplace poker. And they would take and you'd  
23 wrap black tape around the hook at the top, you wrap black  
24 tape around it, so when you go into the show they don't see  
25 it. Now, these would vary in size. You might have somebody

1 who had a, say a two-foot one that they had special made or,  
2 you know, somebody had had it for years. I know one gentleman  
3 that had one that was, it was all tied with leather on it. So  
4 his was only about two foot long, two and a half foot. But it  
5 was always the same thing, you always had the hook and the  
6 point.

7 Q. I want --

8 THE COURT: You say the point was covered with  
9 leather?

10 THE WITNESS: They would put black tape on it so  
11 when they go in the show you have people in the back, we call  
12 them the men in black, and it was to cover up the hook so that  
13 basically the tip and -- the tip of it and the point wasn't  
14 covered and that is -- you know, we were always told that is  
15 so nobody sees the hook.

16 BY MS. MEYER::

17 Q. I want to show you this demonstrative that we brought  
18 to the courthouse, and ask you to take a look at that, and  
19 tell me if that's typical of the kind of bull hooks you saw  
20 when you worked for Ringling.

21 A. That's very typical. As you see here, this is -- he  
22 put something -- they'd wrap on there. But this is very  
23 typical. Usually when they get it, though, they would go  
24 ahead and wrap the whole thing in black, so -- but this part  
25 of it here, this is exactly -- they actually had a guy who

1 sold blanks, they called them. He would come around to the  
2 circus and sell blanks. And then a gentleman named Adam Hill  
3 would make the bull hooks for people.

4 THE COURT: He would sell what?

5 THE WITNESS: He would sell the very top part. It  
6 would be called a blank. It would come basically like this,  
7 and then they would cut them down and, you know, sharpen the  
8 ends of them and the point. And this was very -- this was  
9 very common, right -- this size right here is very common.  
10 Like I said, the other one -- using this for an example, the  
11 other one was about like this tall.

12 BY MS. MEYER:

13 Q. Just keep that up there for now. Who did you see use a  
14 bull hook when you worked at Ringling Brothers?

15 A. Well, there is -- the gentlemen I named. It was mostly  
16 the people that are going to be around the elephants,  
17 everybody from Randy Peterson, Pat Harned, Adam Hill, the list  
18 goes on. Dave McFarlane, Andy Weller. There were -- it was  
19 so numerous to name everybody. But when they got hired --  
20 like an example, in Florida we hired a young man named Chris.  
21 That's all I know, his name was Chris. And the first thing he  
22 did was he went to Adam and had Adam make him a bull hook.

23 MR. SIMPSON: Objection, Your Honor, that's not  
24 responsive.

25 THE COURT: Ask your next question, counsel. Do

1 you ever see these bull hooks used with any other animals  
2 other than the elephants?

3 THE WITNESS: Not really.

4 THE COURT: Do you know why they weren't used with  
5 other animals?

6 THE WITNESS: Well, the elephant crew stayed with  
7 the elephants. The horses that we had, they were from, I  
8 believe Kyrgyzstan. I don't know if the horses were from  
9 there but the people for the show were. Then we had miniature  
10 horses.

11 THE COURT: I guess what I'm getting at is do you  
12 know the reason why the hooks weren't used with other animals?

13 THE WITNESS: I believe the hook is basically  
14 the -- is what they use for the elephants. It's -- this is  
15 why we're here, is because --

16 THE COURT: I understand that. I was just trying  
17 to get at the use of the hook with other animals, if it was  
18 used at all with other animals.

19 THE WITNESS: Not that I remember. It wouldn't be  
20 a common practice to use it on a horse or anything because --  
21 well, like actually they didn't -- I don't think the guys on  
22 the horse crew had them. It was really just the elephant  
23 crew.

24 BY MS. MEYER:

25 Q. How did you see the bull hook used?

1 A. I seen the bull hook, what I call, it was excessive.  
2 They would always hook them behind the -- up here on the top  
3 of the ear they would hook them, to bring their heads down, or  
4 they'd put the point up here in the head and bring their head  
5 down. They would hit them on the back of the legs with it and  
6 take -- am I allowed to pick this up?

7 THE COURT: Sure.

8 THE WITNESS: They would use this part under the  
9 legs or behind the knees. Take this part here and poke them  
10 in the side. They had a habit, every time they wanted to move  
11 an elephant over, instead of just saying move over, they'd  
12 stab them like this (indicating), and take this and put it up  
13 in the back and pull down on the back of them (indicating),  
14 right across the backbone. Hook them in the rear. Any time  
15 they wanted to get an elephant to respond, they were using the  
16 hook on them. And it wasn't -- it wasn't a form of -- it was  
17 like jerking, you know. At first they might hook them, if  
18 they don't respond right away, they yank on them real hard.  
19 To get them, to make them aware that, hey, this is -- they  
20 fear it. I've seen elephants cringe when it comes at them.

21 BY MS. MEYER:

22 Q. And which Ringling Brothers employees did you see use  
23 the bull hook in the way you described?

24 A. There was -- the supervisor was Randy Peterson, and  
25 Adam Hill, Alex Vargas, Daniel Raffo, Andy Weller, Dave

1 Whaley, Dave McFarlane. Gary from England. I don't know  
2 Gary's last name. He worked with Camella and Lecheme and  
3 Meena. Pat Harned. The names, there's a lot of names. There  
4 were 69 people in two years. There was -- these are the ones  
5 that were there for quite a while.

6 Q. Did you want to add anything?

7 A. Chris from Miami. I lost his name for a second.

8 Q. How about Mr. Ridley, who you mentioned earlier?

9 A. Yes, Robert Ridley. But Robert, see, with Suny had  
10 been there so long, he took care of Karen, so he wasn't -- he  
11 didn't come in and clean up or nothing, he just came in to get  
12 Karen and do the show. So yes, I seen Robert Ridley. There's  
13 one incident in particular I saw Robert Ridley, he -- quite a  
14 bit with Karen he was hooking. But that's the way he was.

15 Q. And do you remember any particular instances when the  
16 bull hook was used on an elephant that stand out in your mind?

17 A. Yeah, there's several of them. One that sticks in my  
18 mind is always Richmond, Virginia. We were down at the  
19 Richmond Arena. And it was -- Zina and Rebecca wouldn't lay  
20 down, and they started -- Jeff Pettigrew -- he is another one,  
21 Jeff Pettigrew and Andy Weller took the point and kept hooking  
22 her on the top of the back, trying to pull her down. And they  
23 couldn't get her to lay down. They kept doing it over and  
24 over and over again. And when it was done I had to go get the  
25 Wonder Dust and literally cover up the cuts on her. There was

1 20-plus, 30-plus on one -- 20-plus hook marks where, little  
2 gouges in them. Some of them were bleeding. That's Richmond.

3 Q. Before we leave Richmond, you mentioned something  
4 called Wonder Dust. Can you tell Judge Sullivan what that is?

5 A. Wonder Dust is a -- I was told it was used to coagulate  
6 the blood. It was kind of charcoal in color, it had a horse  
7 on it. I believe you used it for show horses. Well, we would  
8 take it and put it on top of the -- it was gray in color and  
9 it would just blend right in with the skin of the elephant.  
10 So it was always -- if you had a case like that or there was a  
11 cut, somebody'd say get the Wonder Dust and we'd squirt it on  
12 there. So it was a charcoal color.

13 Q. I have one last exemplar that I wanted to show you.  
14 This is a bottle that says Wonder Dust on it. Is that the  
15 product that you're talking about?

16 A. This is the product, but ours were like the little  
17 toothpaste cap you flip up on top. So all it is is just a  
18 different bottle, but same exact stuff. That is the same  
19 company, same blue. I might show you here. I think this  
20 stuff is a little old here. It's a powder. It may not even  
21 be open. Here we go.

22 THE COURT: It looks something like graphite.

23 THE WITNESS: Yeah, graphite, that's -- as you can  
24 see there (indicating), it's -- graphite is good, but it's for  
25 coagulating the blood. So when you put that on an elephant it

1 starts looking like an elephant, it starts covering it up.

2 BY MS. MEYER:

3 Q. How often did you use Wonder Dust?

4 A. I want to say it was frequent. We had -- several times  
5 a week. And whenever we saw a cut or a hook mark or a hook  
6 boil or anything like that, we always covered it up with it.  
7 I do know that we bought it by -- a small case, it was about  
8 yay big (indicating). We'd go through bottles of it.

9 Q. You mentioned something called a hook boil. What is  
10 that?

11 A. The hook boil would be -- if you hook an elephant, it  
12 would get to be like it's -- it would be a lump that would end  
13 up looking like a -- like a golf -- like a boil. It would be  
14 like a golf ball size. And you'd hook it and it would swell  
15 up. And I know Andy Weller used to go around and checking  
16 them all the time. Myself, whenever we see one, if it was  
17 bleeding, or even if the skin was broke, we'd have to cover it  
18 up.

19 Q. How often did you see hook boils on elephants?

20 A. It was frequent. It could be two, three times a week.  
21 It just depended on where -- if you really went looking for  
22 them, which we would do once in a while. And several times a  
23 week.

24 Q. How often did you see cuts from bull hooks on  
25 elephants?

1       A.     That was -- again that would be every other day,  
2 sometimes daily. Just depended on where you're at and what is  
3 going on. If it's -- if there's no show -- I saw more during  
4 the show, I mean during shows, because they were cleaning up  
5 and laying down. But say on a -- the shows didn't start until  
6 Thursday, so on Tuesday and Wednesday there wasn't as many.

7       Q.     And where on the bodies of the elephants would you see  
8 those hook marks?

9       A.     They could be behind the ears, on top of the head,  
10 behind the trunk, under the chin. They take this part of it  
11 to make them raise their head up and jab it up under --

12               THE COURT: You're referring to the point.

13               THE WITNESS: Yeah, the point of it, put it under  
14 their head to make them raise their head up and jab them with  
15 it. So you'd get cuts under there, cuts behind the legs. A  
16 lot of them on the back when they are laying them down. Up  
17 behind the ears. Meena, I could stick my little finger in the  
18 scars behind there, from people hooking it and then it slips  
19 and it rips down the side. I've seen some pretty bad little  
20 rips in them.

21 BY MS. MEYER:

22       Q.     Can you describe any other instances of bull hook use  
23 that stand out in your mind?

24       A.     Yeah. New Haven, Connecticut, Karen got it really bad  
25 up there. Benjamin and Shirley were straight across from

1 where Karen was. And Benjamin was messing around, they were  
2 two four-year-old elephants, so he's messing with Shirley.  
3 And Pat Harned came out and started yelling at Benjamin, and  
4 hooking him pretty severely. And Karen picked up her chain  
5 and started smacking it just like this the whole time  
6 (indicating), and he could not stand that. And he yelled at  
7 Karen, and then he came over there and he started in on Karen  
8 for at least 21 minutes, 23 minutes. He had her, jabbing her  
9 under the leg, making her raise her foot up and hold it there,  
10 hitting her behind the leg, come up and jabbing her in the  
11 side -- sorry. I got a little fast there because I was  
12 reliving that moment. Hooking on the head and behind the  
13 ears. It just went on and on.

14 Q. When did that incident in New Haven take place?

15 A. I used to -- it would be really hard without a route  
16 card to tell when it was. I believe it was after New York, I  
17 think we went up there. It may have been after we came back  
18 from -- it's really hard to -- when you travel that much, it's  
19 hard to know exactly where you're going, but I'm pretty sure  
20 it was in the fall.

21 Q. Do you know what year we're talking about?

22 A. I would say '99, maybe.

23 Q. Is there a document that would help you remember --

24 A. My route cards.

25 Q. Let me just ask my question. Is there a document that

1 would help you remember when this incident occurred?

2 A. Yes.

3 Q. What is a route card?

4 A. Well, it comes out, it's like four of them a year, and  
5 it shows where you're going to go, and we could buy them for  
6 10 cents at the pie car.

7 Q. If I showed you your route cards would that refresh  
8 your memory?

9 A. Yeah, it would help.

10 MS. MEYER: I'd like to hand these documents to Mr.  
11 Rider. A copy of these documents have been made an exhibit by  
12 the defendant, Defendant Exhibit, I think it's 37.

13 THE COURT: All right.

14 BY MS. MEYER::

15 Q. Would you take a look at these and see if that  
16 refreshes your -- put them down before you answer my question.

17 A. Okay. Got it right here.

18 Q. Does looking at your route cards --

19 A. Yes, I forgot the year. It would have been --

20 Q. Does looking at your route cards refresh your memory  
21 about when this incident in New Haven took place?

22 A. Yes, ma'am.

23 Q. When did it take place?

24 A. May of '98.

25 Q. Okay. And did you have an opportunity to observe Karen

1 after that incident?

2 A. Well, I couldn't go near Karen, so I mean, I observed  
3 the fact that, yeah, there was Wonder Dust put on her. I know  
4 that.

5 Q. You mentioned in describing that incident two elephants  
6 named Benjamin and Shirley. Who are they?

7 A. Benjamin and Shirley were the baby elephants that were  
8 brought there in winter quarters in Tampa. They were, I  
9 believe, four years old.

10 Q. Were they male and a female?

11 A. Male and female.

12 Q. Benjamin was a male?

13 A. Yeah, benjamin was a male.

14 Q. And did those elephants travel together?

15 A. Yes.

16 Q. Did you have an opportunity to observe their  
17 relationship?

18 A. When they were close to me, yes.

19 Q. What did you observe?

20 A. I observed Benjamin always -- like I said, I saw  
21 Benjamin getting hooked and hit all the time. I noticed  
22 Benjamin chained up all the time.

23 MR. SIMPSON: Your Honor, I move to strike, it's  
24 not responsive, plus this is irrelevant. He doesn't have any  
25 connection to --

1 THE COURT: Next question. Next question. I'll  
2 strike that portion that's not responsive. Next question.

3 BY MS. MEYER:

4 Q. I was asking about the relationship between the two  
5 elephants.

6 THE COURT: Next question.

7 BY MS. MEYER:

8 Q. Do you remember any other incidents involving the use  
9 of the bull hook?

10 A. Well, they were so frequent that it would -- almost  
11 every town we were in was using the bull hook on the  
12 elephants. They were so frequent that it would -- you'd have  
13 to just set there and go day by day on -- you know, those are  
14 the two incidents that really stick out in my mind at this  
15 time.

16 Q. Did you ever complain to anybody about the treatment  
17 that you were witnessing?

18 A. Yes, ma'am.

19 Q. Who did you complain to?

20 A. I went to Randy Peterson, my supervisor.

21 Q. What if anything did he tell you?

22 A. He simply said it's discipline. Every time I would  
23 ever, like -- we always complained -- the help always on the  
24 train was complaining to each other about stuff that happened  
25 and this and that, and we were told from the very beginning

1 that --

2 MR. SIMPSON: Object to the hearsay.

3 MS. MEYER: These are admissions; it's not hearsay.

4 MR. SIMPSON: There's no predicate for it.

5 THE COURT: I agree. Overruled. You can tell us.

6 THE WITNESS: When I first got there, and even

7 Graham Chipperfield said it's discipline. This was the norm.

8 If anybody ever asked us, why do you use the bull hook, it was

9 always discipline, discipline, that's the word that came out.

10 THE COURT: These people telling you this, they  
11 were employees of the circus, were they?

12 THE WITNESS: Yes, it was my supervisors, Graham.

13 THE COURT: Grant who?

14 THE WITNESS: Graham Chipperfield was my first one  
15 before I -- the first six months, I guess, and then Randy  
16 Peterson. Alex Vargas. I went to Alex one time in  
17 Jacksonville, Florida and I told him the same thing. I said,  
18 you know, this has to stop. And he goes, well, it's not going  
19 to stop because it's just discipline. This is their -- this  
20 is what they called it. There's no -- you can't -- I went to  
21 my supervisor, and that's about as far as I could go.

22 BY MS. MEYER::

23 Q. Did you ever see an elephant hit with a bull hook in  
24 front of a supervisory employee of Ringling Brothers?

25 A. Yes, I did. In Canada we were -- I don't believe there

1 was a show that day because we had Camella, Lecheme and Meena  
2 in one pen. We had, pretty sure it was Karen and Sophie in  
3 another pen. There was a little space in between them. And  
4 Karen and Sophie got into it with one of the elephants, and  
5 over here, by the time I got Adam Hill and Randy Peterson and  
6 Pat Harned to come out, they grabbed their bull hooks and they  
7 started just laying into the elephants, hooking them, hitting  
8 them, trying to jab them, trying to move them apart.

9           And standing over here was Jeff Steele, the unit  
10 manager. He was standing by the back door, could see it all.  
11 There was Richard Froemming was standing there, I believe he  
12 was some operation, he was corporate. And there's another  
13 gentleman there who I'm not familiar with.

14           They -- the English actually knocked the fence  
15 down and ran into the horse place, where the horse tent was.  
16 There was a gate wide open, they could have ran right out into  
17 the streets. But they saw it, they were standing there  
18 looking directly at them.

19           And it wasn't an uncommon thing for one of the  
20 supervisors or something to be around when they are hooking  
21 the elephants. They just tell you don't get caught on camera.

22       Q.   Who told you that?

23       A.   Jeff Steele in particular. We were in Denver,  
24 Colorado, I believe Dateline was coming, and he got us all in  
25 there --

1 MR. SIMPSON: Objection, it's nonresponsive to the  
2 question.

3 THE COURT: Who was the person that told you that?

4 THE WITNESS: Jeff Steele, the unit manager.

5 THE COURT: You mentioned Dateline. What about  
6 Dateline?

7 THE WITNESS: Dateline was coming to Denver,  
8 Colorado to film, and he brought all the animal crew together  
9 right there in the little barn we had, and said there's going  
10 to be cameras here for three days. I don't want anybody to  
11 get caught hooking an elephant.

12 BY MS. MEYER:

13 Q. Do you recall any incidents where you saw the bull hook  
14 used on any of the young elephants?

15 A. Yes, ma'am.

16 Q. What do you recall?

17 MR. SIMPSON: Objection, Your Honor, it's  
18 irrelevant.

19 THE COURT: Overruled. You can answer it.

20 THE WITNESS: With Benjamin and Shirley, whenever  
21 they were close to me -- example, they came in in Florida in  
22 winter quarters the first year, and they were kind of a ways  
23 from us, but we -- when we walked past there to go to the  
24 arena we could see in there, and there was Pat Harned and a  
25 lady named Vica, Victoria, I don't know her last name. And

1 then there was, Gary Jacobson was there, him and Pat I guess  
2 had worked together at some point. I saw some hooking there.  
3 But when we got on the road it was, between Vica and Pat  
4 Harned, they were hooking them all the time, daily. I mean  
5 Benjamin, he caught it a lot.

6           And then we went to winter quarters in Tampa, the  
7 last -- before I actually left -- no, it was before that, it  
8 was in Boston. I don't remember the names of the elephants in  
9 Boston. I believe Romeo and Juliet was there. There was like  
10 five babies. At that time is when -- I'm almost sure that it  
11 was, Troy Metzler was there. Dave Whaley -- let's see,  
12 there's two guys both named Dave, one is Whaley and one is  
13 Wiley, so it's very hard to tell them apart, other than, you  
14 know, one worked on the animal crew and one worked with the  
15 babies, so.

16           I saw some babies that would get hooked there. I  
17 can't remember. We -- it was in Tampa, maybe it was just  
18 before we went on the show because Graham -- I believe Randy  
19 just started and Graham had just left, and we had the babies  
20 moved to the end of the tent. But that still could have been  
21 Romeo and Juliet. I'm not sure of the date of that.

22 BY MS. MEYER:

23 Q. How often did you have an opportunity to observe Mr.  
24 Harned interacting with Benjamin?

25 A. On the road, quite frequently. If they were within

1 eyesight of me, you know, I could see them.

2 Q. What did you observe?

3 A. I observed, whenever Benjamin would not respond to Pat,  
4 he got the bull hook. He was hooked, he was hit on the back,  
5 he was hit on the legs, he was poked.

6 THE COURT: When you say the hook was used when  
7 Benjamin would not respond, respond to what type of command?

8 THE WITNESS: "Leave Shirley alone," or he'd come  
9 out and say "get over, move over," and Benjamin wouldn't do  
10 it, and he'd come out and he would just hook him around the  
11 trunk and just pull it real hard to get him to move over. It  
12 was -- I call it very aggressive.

13 THE COURT: When you interacted with the elephants,  
14 did you ever give them commands?

15 THE WITNESS: Yes, yes, sir.

16 THE COURT: To move over, to leave Shirley alone?

17 THE WITNESS: No, I didn't actually work with the  
18 babies. They did. I worked with the big elephants.

19 THE COURT: What about the command to move over?

20 THE WITNESS: Sure.

21 THE COURT: Would the elephants respond?

22 THE WITNESS: Most of the time, yes.

23 THE COURT: When they didn't did you use a hook?

24 THE WITNESS: No, sir.

25 THE COURT: What would you do?

1           THE WITNESS: I'd walk away and come back. I never  
2 used a bull hook at Ringling. I was one of the few employees  
3 there -- from the get-go I said, I actually told Graham, I  
4 said I don't want to get a bull hook. And he said okay, if  
5 you need one, get one, and left it up to me. That was his  
6 words. And I never -- I never needed one, I never felt  
7 that -- because I wasn't, for one, going near Karen. Second  
8 of all, I was the barn man, I was cleaning up. I could give  
9 them a command, like I said with Meena, if she wouldn't raise  
10 her foot, I'd walk away and come back later.

11           THE COURT: All right. We'll take a 15-minute  
12 recess. You can step down. I have to ask you not to discuss  
13 your testimony with anyone. All right?

14           THE WITNESS: Yes, sir.

15 BRIEF RECESS

16                                   AFTER RECESS

17           THE COURT: All right. Proceed.

18 BY MS. MEYER:

19       Q. Mr. Rider, could you describe the kinds of activities  
20 that the elephants would be engaging in when they'd get hit by  
21 a bull hook?

22       A. Cringing, moving back, cringing, trumpeting, squealing,  
23 making squealing noises, and just cowering.

24       Q. Did you ever observe what the elephant had been doing  
25 before it got hit by a bull hook?

1 A. At times, yes.

2 Q. What kinds of activities did you see the elephants  
3 engage in before they got hit by the bull hook?

4 A. Could be anything from reaching out for something.

5 Could be if we were in a low ceiling. I remember one time in  
6 East Rutherford we were by a low ceiling, pulling stuff off  
7 the ceiling. Any behavior that they didn't like, period. If  
8 a handler didn't like it and he was doing something.

9 THE COURT: Excuse me one second.

10 MS. MEYER: Sure.

11 THE COURT: Go ahead.

12 BY MS. MEYER:

13 Q. Mr. Rider, did any of the Ringling Brothers elephants  
14 die when you were working at the circus?

15 A. Yes, ma'am.

16 Q. Which one?

17 MR. SIMPSON: Objection, irrelevant.

18 THE COURT: I don't know whether it is or not, but  
19 he can answer. Which ones died?

20 THE WITNESS: Baby Benjamin.

21 BY MS. MEYER:

22 Q. Do you remember when he died?

23 A. Yes, ma'am. We were on the --

24 MR. SIMPSON: Objection, there's no --

25 THE COURT: He can tell us if he recalls -- were

1 you working there at the time?

2 THE WITNESS: Yes, sir. Yes, Your Honor.

3 THE COURT: When did he die?

4 THE WITNESS: It was -- again I'd look at my route  
5 card and give you the exact time.

6 BY MS. MEYER::

7 Q. That would refresh your memory?

8 A. Yeah. We were on our way from Houston to Dallas.

9 It would have been in July, after July 25th,  
10 1999.

11 Q. How did you find out that he had died?

12 THE COURT: Wait a minute. Were you still working  
13 there?

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: When did you stop working there?

16 THE WITNESS: November of '99.

17 THE COURT: All right.

18 BY MS. MEYER:

19 Q. How did you find out that Benjamin had died?

20 MR. SIMPSON: Objection, hearsay.

21 THE COURT: I made an assumption that Benjamin was  
22 still on the premises. He was not on the premises when he  
23 died, is that correct?

24 THE WITNESS: Yes, sir, he was not.

25 THE COURT: He was elsewhere?

1 THE WITNESS: Traveling in between shows.

2 THE COURT: All right. It does call for hearsay.

3 Let's move on.

4 BY MS. MEYER:

5 Q. Did you ever see anybody from the USDA come to the  
6 circus when you were there?

7 A. A few times.

8 Q. Do you know what I mean when I say the USDA?

9 A. Yes, ma'am.

10 Q. What do I mean?

11 A. You mean the United States Department of Agriculture.

12 Q. How often did you see someone from the USDA come to the  
13 circus?

14 A. Maybe five or six times when I was there. I mean,  
15 there was times when I wasn't working that they came.

16 Q. I'm sorry. How many times did you see the USDA come to  
17 the circus?

18 A. Like five or six times when I was there. One in  
19 particular was Las Vegas. We were in Las Vegas and we were  
20 heading to Phoenix and we got a phone call, Randy came out and  
21 told us, he said the USDA is going to meet us for an  
22 inspection in Phoenix.

23 Q. Did you ever have an opportunity to observe the USDA  
24 conducting an inspection?

25 A. Yes. I mean, if I came on and there was an inspection

1 going on, I would have observed them coming into the tent and  
2 looking in -- looking around and leaving again.

3 Q. What did you observe?

4 A. Usually when there was an inspection you have the unit  
5 manager and you have Dave Kaiser, sometimes Randy Peterson is  
6 with them, could be somebody from corporate, it could be  
7 anybody there. And they would walk in, look around and  
8 usually stand at the end of the tent and then turn around and  
9 leave. They never came in on their own.

10 THE COURT: Excuse me one second.

11 BY MS. MEYER:

12 Q. Did you ever see a USDA inspector do an actual physical  
13 inspection of an elephant?

14 A. I never seen them walk up and just look at every  
15 elephant or even really come up and examine any close, not  
16 when I was there. They always just walk in and leave.

17 Q. And when did you leave the Ringling Brothers circus?

18 A. November of '99.

19 Q. And why did you leave?

20 A. I left because -- the treatment of the animals was my  
21 main -- because I talked to Daniel Raffo and he said he was  
22 going over to Europe. And I said well -- he said he was going  
23 over with the three, Camella, Lecheme and Meena. And I said  
24 well, I want to go with you. I said I'm tired of the way they  
25 are treating the animals here, and I'd like to go over to

1 Europe. It was an opportunity to go, and I finally was  
2 chosen. It was supposed to be me, him and a gentleman named  
3 Charles, Chuckie.

4 THE COURT: One second. I'm sorry. Go ahead,  
5 counsel.

6 BY MS. MEYER:

7 Q. How did you feel about leaving Ringling Brothers?

8 A. Well, I didn't really want to leave the elephants, but  
9 you know --

10 THE COURT: Why not?

11 THE WITNESS: Well, it's because when -- you have  
12 an attachment to them and I just -- I just was really tired of  
13 the treatment they were getting and then seeing it, I just  
14 didn't want it anymore. I didn't want to see it.

15 THE COURT: You said attachment. What do you mean  
16 by that?

17 THE WITNESS: Well, I mean that, you know, I had  
18 worked with these girls for 2-1/2 years and, like I said, with  
19 Camella, Lecheme and Meena, I always stood close to them. And  
20 I saw an opportunity to go over to Europe with them, and I  
21 decided, well, maybe it will be different over there. And I  
22 won't have to put up with this kind of bull hooking that goes  
23 on there and the constant chaining and all this. I decided  
24 that this was an opportunity for me to maybe further my basic  
25 education in elephants.

1           But, you know, it hurt when I left. You know, I  
2 stayed there for 2-1/2 years even though I saw all this that  
3 went on because I cared and I loved those girls. I loved  
4 those animals. And I just -- I stayed with them but I just --  
5 you get to a point when you just go, that's it.

6 BY MS. MEYER:

7       Q.    And where did you go after you left Ringling Brothers?

8       A.    Well, we went up to -- I went to Europe. But I went up  
9 to Charleston, North Carolina first and got on a boat. I  
10 don't know.

11       Q.    All right. And who did you go to Europe with?

12       A.    I went with -- it was just me and Raffo. Charles  
13 didn't -- he just took off the night before and never came  
14 back.

15       Q.    And the three elephants that you described?

16       A.    It was Camella, Lecheme and Meena.

17       Q.    What were your job responsibilities with Mr. Raffo?

18       A.    Well, it was to basically be the -- just watch over  
19 those three elephants the whole time, feed them, water them,  
20 take care of them, brush them off for shows. And also at the  
21 time I started having to help with the tigers, because Chuckie  
22 wasn't there.

23       Q.    And how long did you work for Mr. Raffo in Europe?

24       A.    Until March of 2000. So about three or -- about three  
25 months.

1 Q. And --

2 A. Yeah, three months.

3 Q. Why did you leave?

4 A. I left because when I got over to Europe, it didn't  
5 change. It suddenly became -- I had to use -- they wanted me  
6 to use a bull hook, which I didn't want to use. They wanted  
7 me to do things to those elephants that I didn't like doing.  
8 I didn't like putting a bull hook behind an elephant's trunk  
9 to hold it still. I didn't want to do that. And I thought  
10 what would be different, because I had seen Raffo, the way he  
11 treated the elephants, and then towards the end I didn't get  
12 to see much of Raffo, but when he went over there it became  
13 the same thing again. It became, you know, a constant, you  
14 know, he was -- I don't know if it was because it was us two,  
15 but it was just always hooking those elephants, and I didn't  
16 want to put up with it anymore.

17 THE COURT: Was he doing that with Ringling  
18 Brothers?

19 THE WITNESS: Yes, he was, but see, at Ringling he  
20 became a performer, so at one part he wasn't in the barn as  
21 much as in the beginning. He was still doing the same thing.  
22 I just thought it would be a little different over there. It  
23 was my own feeling that it would be different.

24 BY MS. MEYER:

25 Q. And do you remember, when you left, was there a

1 particular event?

2 A. Yes, it was -- I left on a Sunday. But that Saturday  
3 we had -- there was I believe 14 Bengal tigers at the time,  
4 and two of them -- these were owned by Chipperfield out of  
5 England. And two of them weren't in the show at all. And  
6 that morning Daniel came to me and said hey --

7 MR. SIMPSON: Objection, Your Honor, it's hearsay.

8 THE COURT: Right. Tell us what happened without  
9 telling us what someone may have told you.

10 THE WITNESS: Okay. I went over. It was a  
11 Saturday morning. A veterinarian showed up, he went over and  
12 he injected something into those animals.

13 THE COURT: Into the tigers?

14 THE WITNESS: The tigers, to the two tigers. They  
15 collapsed. He picked them out of there, put them in the back  
16 of his station wagon. And they were -- basically he killed  
17 them and stuck them in the back of the van or the station  
18 wagon and took off. I seriously don't think they were  
19 euthanized because there was no cage or nothing; he just put  
20 them in the back like he was loading luggage or something and  
21 took off with them.

22 At that point I thought this is not going to  
23 happen. And the next day, it was Sunday, and I just thought,  
24 what am I going to do, this has to end, it just -- I can't --  
25 I've got to do something to help these elephants, especially

1 you know -- and I --

2 THE COURT: Why were you fearful of what the  
3 elephants -- why were you fearful -- why were you concerned  
4 about helping the elephants at that point if his actions were  
5 focused on tigers and not elephants?

6 THE WITNESS: Well, it was -- that was just a  
7 starting point of -- when I seen that happen to the tigers and  
8 I knew what was going on with the elephants, at that point, on  
9 Sunday, I went in and said goodbye to the three girls. I said  
10 goodbye to Camella, Lecheme and Meena. I said girls, I'm  
11 going to make you a promise, I will do everything I possibly  
12 can to help you. I will speak to whoever I have to to help  
13 you. I wanted --

14 THE COURT: What did you mean when you said that?

15 THE WITNESS: I meant that I was -- the only thing  
16 that I, at the time, that I could think of doing would be  
17 going over to London, because there was an article written in  
18 a newspaper, and I thought, well, I'm going to go over there  
19 and I'm going to tell them the truth. I'm going to go to this  
20 newspaper and say look, this is what happens, this is what  
21 happens in Europe. This is -- you know, a starting point was  
22 the tigers, and the treatment of the three elephants over  
23 there brought it all together.

24 And so I took my last check, I left, went over to  
25 England and -- with very little money. This was not about

1 money. This was about helping my elephants the best I could.  
2 And I heard that they got put into a zoo.

3 BY MS. MEYER:

4 Q. So, just to back up a little bit. You left Mr. Raffo's  
5 employment, and then where did you go?

6 A. I went over to England.

7 Q. And why did you go there?

8 A. There was a newspaper article that was shown to me from  
9 the Daily Mirror, and it was about our trip from Charleston,  
10 North Carolina over to Spain, and it said we had them in the  
11 bowels of the ship.

12 Q. You had who in the bowels of the ship?

13 A. We had the elephants in the bowels of the ship, when I  
14 knew that we had them on top on a deck. So I immediately  
15 thought, well, at least, that's where I should start. And I  
16 went to London and literally, with everything I could carry,  
17 and I walked all the way as far as I could towards this --  
18 they called it wharf 1, it was out on the wharf, they had a  
19 big building out there. And I tried to get out to there and I  
20 kept calling and I finally got ahold of a gentleman there, a  
21 reporter that had done the story, and told him, I said, you  
22 know, I want to tell you, I want to talk to you about what  
23 happened after we got here. And he found out who I was, he  
24 said oh, you're the American.

25 MR. SIMPSON: Objection to hearsay, Your Honor.

1 THE COURT: Sustained. Don't tell us what he said.

2 THE WITNESS: Okay. So I went and spoke to the  
3 Daily Mirror and told them my story, and said this is --

4 THE COURT: Told them your story about?

5 THE WITNESS: About what I had seen during my time  
6 there.

7 BY MS. MEYER:

8 Q. And then did the Daily Mirror actually print a story  
9 about the treatment of the elephants in Europe?

10 A. Yes, ma'am.

11 Q. And what did you do next?

12 A. Then after I left -- I left Europe. What happened when  
13 I was there, I was -- I had no real means. I couldn't work in  
14 England because I didn't have a work permit. And the Daily  
15 Mirror said, you know, here, we're going to send you back over  
16 to America, we're going to send you home. It wasn't payment  
17 of any type for the story. It was just we're going to help  
18 this guy out. They got me back over there. Some of the  
19 reporters got together and they gave me a -- I had enough for  
20 a bus ticket, a Greyhound bus ticket and \$500.

21 And I got up here to the Port Authority in New  
22 York, and it was like midnight, and I bought my bus ticket and  
23 I looked at that and I said, I've got to help the elephants,  
24 this is what it's about, I'm going to do this, no matter what  
25 it takes. And I immediately decided that that was what I was

1 going to do.

2 Q. What did you do next?

3 A. I went up to -- the very next morning I got on a bus  
4 and I went up to Boston, Massachusetts and I met with a woman  
5 up there. And she made a call out to California to the PAWS,  
6 Performing Animal Welfare Society, at which point they said,  
7 you know, hey --

8 MR. SIMPSON: Objection to the hearsay.

9 THE COURT: Don't tell us what they said.

10 BY MS. MEYER:

11 Q. Tell us what you did.

12 THE COURT: When you say "PAWS," that's P-A-W-S,  
13 right?

14 THE WITNESS: Yes, Your Honor. Then I went out to  
15 California, I left the next morning and went out to Galt,  
16 California, where I spoke with the person in charge out there.  
17 She just said --

18 THE COURT: To the organization PAWS, is that  
19 correct?

20 THE WITNESS: Yes.

21 THE COURT: Did you start working there?

22 THE WITNESS: No, I was -- I was basically going to  
23 do some media, and it was a thing out of Canada, I think, I'm  
24 not sure what it's called, something like Earth Rescue or  
25 something. I was doing a program, and she said -- or well --

1 I was going to be on that program. So I spoke to the reporter  
2 there. And they put me up in the Royal Delta in there. I got  
3 like \$50 a week, I believe, for groceries. It really wasn't  
4 work. What we were doing was trying to do -- trying to get  
5 the word out to the public about what goes on at the circus.

6 So, that's basically where -- you know, I started  
7 there and was gradually doing media with different places  
8 around there. Some in Sacramento. Oakland.

9 BY MS. MEYER::

10 Q. When you first went to PAWS, did anyone take your  
11 deposition?

12 A. Yes, ma'am.

13 Q. Who took your deposition?

14 A. The attorney was Sharon Sims.

15 Q. Who was she an attorney for?

16 A. For PAWS.

17 Q. Were you put under oath for that deposition?

18 A. Yes, ma'am.

19 Q. How long did you stay at PAWS?

20 A. I was at PAWS -- well, I was at the motel for 11  
21 months. And it was May of the next year, I went from Galt,  
22 California up to San Andreas, they were starting a sanctuary  
23 up there, and there were no animals yet but I was up there  
24 kind of watching the gate.

25 Q. What were you doing during the 11 months that you were

1 staying in the motel?

2 A. I was doing -- well, I spoke to Congress, addressed the  
3 judiciary committee at Congress, I did some media, I spoke to  
4 some groups up in -- it was a conference in Sacramento, I  
5 spoke there. I did a couple of station -- news stations, I  
6 believe it was CBS in San Francisco. And just as much public  
7 awareness as we could do.

8 Q. And were you doing that in conjunction with PAWS at the  
9 time?

10 A. Yes, ma'am.

11 Q. And so then you said you went to live on their  
12 sanctuary, is that correct?

13 A. Yes, it was called Ark 2000.

14 Q. When did you do that?

15 A. February, toward the end of February of 2001.

16 Q. At some point prior to that did you bring the original  
17 version of this lawsuit?

18 A. Yes, ma'am.

19 Q. Do you know when that was?

20 A. Yeah, I'm pretty sure it was in June of 2000. It was  
21 the day after I spoke at the judiciary committee.

22 Q. And did you -- did you -- did you tell anyone with the  
23 federal government what you had seen at Ringling Brothers  
24 regarding the treatment of the elephants?

25 A. Yes, ma'am.

1 Q. At that point in time? Who did you talk to?

2 A. Shortly after I got to PAWS, probably March or April, I  
3 spoke to Diane Ward at the United States Department of  
4 Agriculture in Sacramento.

5 Q. Who was she?

6 A. She was, I guess you'd call her an investigator or, she  
7 was employed -- I'm sure she was some -- an investigator, or I  
8 don't know what her title was there.

9 Q. And did you have any contact with anyone else from the  
10 USDA?

11 A. When I came to Washington, D.C. I met -- we had a brief  
12 meeting with Ron DeHaven, who is the director of APHIS, Animal  
13 Plant Health Inspection Services, and Under Secretary of  
14 Agriculture, Mike Dunn, Michael Dunn.

15 Q. Did you tell them -- did you tell them what you had  
16 seen at Ringling Brothers as well?

17 A. Yes, I remember that conversation pretty well.

18 Q. And as far as you know has the USDA ever taken any  
19 enforcement action based on the information you provided them?

20 A. None that I'm aware of at all.

21 Q. When did you -- so what did you do when you were  
22 staying at the PAWS sanctuary? What were you doing?

23 A. I was going out and watering some bamboo that they were  
24 getting ready to grow for the elephants, throwing out wild  
25 turkey feed for the wild turkeys, and opening the gate when

1 someone would come down. I was kind of -- it was a big  
2 sanctuary, I was about 2-1/2 miles down the road and there was  
3 a gate. So I had the key to it. If somebody wanted to come  
4 through, I was kind of like the gate man.

5 Q. Were you continuing to do the public awareness work  
6 that you had talked about?

7 A. Yes, ma'am.

8 Q. And when did you leave PAWS?

9 A. I left PAWS in -- I don't remember the exact date. It  
10 was in May of 2001.

11 Q. And why did you leave PAWS?

12 A. I was to speak at a press conference on a Monday, or --  
13 it was a Monday, or I think it was a Tuesday. And I was  
14 supposed to fly to Washington, D.C. here, we were having a  
15 press conference. But when I -- I got a phone call saying  
16 that I could no longer --

17 MR. SIMPSON: Hearsay, Your Honor.

18 THE COURT: It might go to state of mind. I'll  
19 allow it. Go ahead.

20 THE WITNESS: That I could not speak out against  
21 Ringling Brothers. There was -- I was told that if I went, I  
22 just -- I couldn't speak out against Ringling Brothers.

23 THE COURT: I'll accept that for state of mind, not  
24 for the truth of the matter asserted. Go ahead.

25

1 BY MS. MEYER:

2 Q. Can I ask who told you that?

3 A. Pat Derby.

4 Q. Who is Pat Derby?

5 A. Director of PAWS.

6 Q. Do you have any understanding of why Ms. Derby told you  
7 that?

8 A. Yes.

9 Q. What is it?

10 A. That there was a settlement between Feld Entertainment  
11 and PAWS where Ed Stewart and Pat Derby and no employees of  
12 PAWS could ever speak out against Ringling. That's what  
13 she -- that's my understanding of it.

14 Q. And after you got that information what did you do?

15 A. Well, I immediately had to cancel the press conference  
16 in Washington, D.C. And that Saturday I decided to leave  
17 because I wasn't going to be -- I wasn't going to have  
18 somebody without my knowledge tell me I couldn't speak.

19 Q. Okay. And since you left the circus -- since you left  
20 PAWS, what have you been doing?

21 A. I've been doing, traveling around the country doing  
22 media and public awareness, speaking to legislators, speaking  
23 to Senators, representatives from different states.

24 THE COURT: Excuse me. Go ahead.

25

1 BY MS. MEYER::

2 Q. My question was since you left PAWS, what have you been  
3 doing?

4 A. I've been traveling around the country doing media in  
5 various parts of the country. I've been speaking to  
6 grassroots organizations, to the general public. I've been  
7 speaking to legislators in several states that have tried to  
8 have certain bans going on. I went -- I've spoken to city  
9 council members, and again, grassroots organizations. Just  
10 been getting the word out there the best I can, letting them  
11 know how much I cared about my elephants or that -- my girls,  
12 and just getting the word out there, letting everybody know.

13 THE COURT: So where are those three elephants now?

14 THE WITNESS: Your Honor, the last -- I believe  
15 Lecheme has passed. I don't know exactly. I was trying to  
16 find out, because I wanted to know. I heard they went to a  
17 zoo in the beginning. I heard Hamburg zoo and I've heard the  
18 Rotterdam zoo. And the most recent thing I heard is they were  
19 out of the zoo and had been released back into the circus.

20 BY MS. MEYER:

21 Q. And what were you -- what do you -- what do you tell  
22 the public about? What is your public awareness about?

23 A. I tell them, just like I'm sitting here today, I tell  
24 them what I saw at Ringling, I tell them about how much they  
25 were chained, and I tell them about the use of the bull hook.

1 I try to tell them -- you know, if I'm speaking to -- you  
2 know, to -- I can't influence the lawmakers. All I can do is  
3 tell them what I saw there and what happened and my feelings  
4 about it and that, you know, this needs to stop. And then I  
5 do know Greenburgh, New York, we were able to stop animal  
6 circuses from coming to town.

7 Q. And why do you do this kind of work?

8 A. I do it because I made a promise to my elephants when I  
9 left Germany. I told Camella and Lecheme and Meena, I made  
10 them a promise, I was going to do everything I could. And I  
11 felt it wasn't right to single those three out when I'd worked  
12 with the other elephants at Ringling. And I decided at that  
13 point, that's what I had to do, I have to speak to anybody  
14 that is going to listen, this is what goes on. And --

15 THE COURT: Why did you say that you cannot  
16 influence lawmakers? Why did you say that?

17 THE WITNESS: Well, it's like if I speak --  
18 example, if I'm speaking in Hartford, Connecticut -- I spoke  
19 there to some legislators -- they are not going to make their  
20 determination on what I say, by what I tell them. So what I  
21 do is I tell them the truth and I let them make up their own  
22 mind. I'm not going to try to influence anybody. I'm not  
23 going to try to make the law.

24 THE COURT: Don't you think by telling the truth it  
25 might influence someone?

1           THE WITNESS: Well, I sure hope it did. I know it  
2 did in Greenburgh and I'm proud of that. It hasn't worked yet  
3 in Hartford. It didn't work over here at Congress. I feel  
4 telling the truth is the only thing you can do. You have to  
5 tell the truth, you've got to be honest. I'm here in a  
6 federal court right now and I'm telling what I saw at  
7 Ringling. I'm not going to change my story to please anybody.  
8 I'm not going to change it to please you. I just hope that  
9 everybody understands, I have -- I love my elephants.

10 BY MS. MEYER:

11 Q. Okay. Now, can you explain how this works on sort of a  
12 weekly basis? How do you actually go around the country  
13 talking about what you saw at Ringling Brothers?

14 A. Okay. I get a grant -- let's start in the beginning.  
15 When I first left PAWS, I had a conversation with Kathy, Ms.  
16 Meyer, and I told her, I said, you know, I said I need to --  
17 we need to get media, I need to keep media going, I need to  
18 talk to people, I need to get out there. And I said, you  
19 know, I can go on Greyhound bus. I told her what it would  
20 cost me to do a 30-day Ameripass, which was at that time 2- or  
21 \$300 or something. I said, you know, I can get by pretty  
22 cheap after that, maybe a motel when I get to a town. So I  
23 would -- I would get grants. At the beginning it was from the  
24 ASPCA out of New York.

25           And I would go out and I'd get on Greyhound

1 and -- I know the first town I went to, I went up to Madison,  
2 Wisconsin. So I got into Madison and I got on the phone and I  
3 started calling the different TV stations telling them who I  
4 was. I was new at it, so I just kept calling them. Finally  
5 CBS did an interview with me. And then I went from there. I  
6 just kind of got the schedule where Ringling was going and I  
7 would get on Greyhound and go where I had to go.

8 Q. How do you decide where to go?

9 A. It's mainly about where I'm located. Ringling usually  
10 travels together, kind of stays in the East Coast until the  
11 summertime, when they split up, one group goes to California,  
12 the other group usually goes down to the Texas area. They  
13 split up. So it just depends on where they are going, and  
14 I'll follow the route that Ringling takes, and go out and do  
15 as much as I can, speak to as many people.

16 Q. Why do you follow the route that Ringling takes?

17 A. Well, I do it because they are coming into town. I try  
18 to get like a week ahead and I try to -- I go because I know  
19 that's where they are going and I know they are going in  
20 there. I want the people in that town to know what is going  
21 on. I want the public to know.

22 Q. How many different cities have you been to to conduct  
23 your public education efforts?

24 A. In eight and a half years it's been hundreds.

25 Q. And can you give us just some examples of the

1 categories of public education that you've done?

2 A. Well, in New York, for example, I'd go up to New York,  
3 and they are going to be there for a while. I usually get  
4 quite a bit of media in New York, New York 1, some other  
5 stations. At that time, in the beginning, ASPCA was helping  
6 me get media up there.

7 And then I would take off and go to -- there was  
8 other -- some grassroots people that I knew up in like  
9 Connecticut, and Senator Hedlund out of Massachusetts, and I  
10 did a couple press conferences with him. And then it just  
11 kept getting bigger. And I would go down to Texas. I believe  
12 last year in Texas I got Amarillo, El Paso, Lubbock, just  
13 because they were coming. They weren't there yet, but they  
14 were coming.

15 Q. You say you got those cities. What do you mean by  
16 that?

17 MR. SIMPSON: Your Honor, I want to object to this  
18 entire line of questioning, as well as what he just testified  
19 to on the ground that they blocked our entire discovery into  
20 this during the pretrial phase of this case. They made a  
21 motion, Your Honor granted it, and ruled that their media  
22 strategy was irrelevant. We're hearing about this for the  
23 first time, in this trial, when our efforts to find out about  
24 it in discovery were completely blocked.

25 MS. MEYER: That is just not true, Your Honor.

1 He's talked about it in general terms many times, and we have  
2 given you in discovery copies of his media. You know all of  
3 this, that he's --

4 THE COURT: I'll allow it over objection.

5 MS. MEYER: Thank you. We did object to giving  
6 you -- for the record, Your Honor, we did object to providing  
7 strategy, details of our --

8 THE COURT: I recall my ruling.

9 MS. MEYER: Thank you.

10 BY MS. MEYER:

11 Q. So you talked about, so you do media work, and you said  
12 some grassroots work, is that correct?

13 A. Yes.

14 Q. Okay. Can you give us some examples of that?

15 A. Carbondale, Illinois, I went down and spoke at Southern  
16 Illinois University, there was a small group of students  
17 there. I spoke at the UCLA law school in California. I spoke  
18 in Teaneck, New Jersey. This was -- it's up by New York. I  
19 spoke there. There was probably 75, 80 people there. Just --  
20 Phoenix, Arizona, I spoke to some grassroots -- a lot of times  
21 it's the groups from that locale that -- the animal people and  
22 friends of theirs and stuff like that, and I'd speak to them.  
23 A lot of times it would be students. American University here  
24 in D.C. I spoke at the American University about probably  
25 four years ago.

1 Q. And what kind of -- can you give us some examples of  
2 legislative work that you've done?

3 A. Legislative work, other than Greenburgh, New York where  
4 we passed, I've spoken Omaha -- excuse me, Lincoln, Nebraska.  
5 I spoke to the legislative branch there. There was a hearing.  
6 I spoke in Chicago, Illinois at a city council meeting. I  
7 spoke in Hartford, Connecticut to the representatives. I  
8 don't know what they call them.

9 I did several press conferences with Senator  
10 Hedlund in Massachusetts. I spoke to some legislators in  
11 California. I don't remember what the ban was in California,  
12 it might have been something with bull hooks, but I was called  
13 to speak there. Off the top of my head that's --

14 Q. Can you give us some examples of some recent media that  
15 you've been able to generate on this subject?

16 THE COURT: I think I've heard enough about the  
17 media.

18 MS. MEYER: Okay.

19 THE COURT: Let's move on. You made your point.

20 BY MS. MEYER:

21 Q. Mr. Rider, have you reviewed Plaintiffs' Exhibit 94?

22 A. Yes, ma'am.

23 Q. Do you remember what that is?

24 A. I believe that's the media. Samples of media.

25 Q. Those are examples of media work that you've done over

1 the years. Have you had a chance to review that exhibit?

2 A. Yes, ma'am.

3 Q. Have you reviewed both the print media that is in there  
4 as well as the broadcast media?

5 A. Yes, ma'am.

6 Q. And are those examples that are in there fair examples  
7 of the kind of public education you've been doing over the  
8 last eight years?

9 A. Yes, ma'am.

10 MS. MEYER: I'd like to move in Exhibit 94, Your  
11 Honor, not for the truth of the matter of anything in there,  
12 but just as examples of the kind of media work that Mr. Rider  
13 has done over the years.

14 THE COURT: Any objection?

15 MR. SIMPSON: If it's not being offered for the  
16 truth of the matters asserted, we don't. But our objection is  
17 it's hearsay, and it's got both television clips, newspaper  
18 articles, et cetera. So there are multiple levels of  
19 different --

20 THE COURT: Those are reports of your activities,  
21 though?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: I'll allow it in. You're not offering  
24 it for the truth of the matter asserted, but for what purpose?

25 MS. MEYER: Just to show the kind of public

1 education that he's been doing.

2 THE COURT: That's fine. It's probably cumulative  
3 to his testimony. That's fine.

4 BY MS. MEYER:

5 Q. Now, how is this public education work that you've been  
6 talking about funded?

7 A. Excuse me?

8 Q. How is it funded, how do you get funds for it?

9 A. I get a grant every two weeks to help pay for my  
10 expenses.

11 Q. And who gives you that grant?

12 A. The Wildlife Advocacy Project.

13 Q. What is that?

14 A. That is a nonprofit organization run by Eric  
15 Glitzenstein and yourself.

16 Q. Have you ever received funding from other groups over  
17 the years?

18 A. Yes, ma'am.

19 Q. Can you give us some examples of who else you've  
20 received funding from, without actually -- yeah, that's okay.  
21 Sorry.

22 A. The ASPCA, Animal Protection Institute, Animal Welfare  
23 Institute.

24 Q. Have you, without giving any names of any individuals,  
25 have you also received funding from individuals?

1 A. Yes, ma'am.

2 Q. And what do you do with the funding that you get? How  
3 do you use it?

4 A. Well, it's used to cover, it's used to cover my living  
5 on the road. It's used to cover all my expenses, my gas, my  
6 laundry, my food, my entertainment, anything and everything  
7 that it takes me to go around the United States and do public  
8 awareness, media, and whatever it takes. I don't have a  
9 paycheck for it, I'm not doing it for pay, that is my  
10 expenses.

11 Q. And what are those expenses? Like how do you spend the  
12 money?

13 A. On -- it's anything I need. On everything, gas, food,  
14 entertainment, I mean if I go -- I don't really go to movies  
15 so I'll buy a DVD or something. I go to Blockbuster. I use  
16 it for -- gas is the big one. The rest of it is just anything  
17 and everything I need to live. I if need razors, I get them.  
18 It's what it takes me to live in my van.

19 Q. Where do you live?

20 A. I live in a Volkswagen van.

21 Q. And how do you travel around the country?

22 A. I travel in a 1983 -- excuse me, 1983 Volkswagen  
23 Vanagon. It is a camper type, it pops up. I've got my -- I  
24 got a microwave, I got a stove, I got a refrigerator, I got my  
25 TV. And that's basically -- if it's camping weather, I camp.

1 If not I have to get a room. But that's how I travel.

2 Q. And when -- how many cities do you go to a year to do  
3 this public education work?

4 A. Well, that's probably in the neighborhood of at least a  
5 hundred or more.

6 Q. And so are you driving across the country?

7 A. Yes, ma'am.

8 Q. And how did you get the van that you live in?

9 A. Well, my -- after -- it was -- I know I'm -- I think it  
10 was 2003 my sister passed away, and my daughter bought me a  
11 van. That was my first one. The second one, I got a grant  
12 from the Wildlife Advocacy Project to purchase a used van, and  
13 that's what I've been in since then, probably 2-1/2, three  
14 years.

15 Q. Do you know how many miles your van has on it?

16 A. It had 81,000 when I bought it, and it has 380-some  
17 thousand now.

18 Q. Did you mention how much the grants are that you get?

19 A. Yes, they are -- they varied over time, but as of now  
20 it was -- towards the -- in the van it was \$500 a week, but I  
21 got it in two week increments.

22 Q. And do you have a cell phone?

23 A. Yes, ma'am.

24 Q. And how do you use that?

25 A. I use the cell phone -- well it is my modem for my

1 laptop. I use it to phone to get media, to call the phone --  
2 you know, the different newspapers, radio, sometimes I even do  
3 radio interviews on it.

4 Q. Is it easy to get media on the subject of how the  
5 elephants are treated in the circus?

6 A. It varies. Sometimes it's easy, sometimes it's really,  
7 really hard. It depends on where I'm at. If I'm within a  
8 week of Ringling coming to town, sometimes it's easy.  
9 Sometimes it's not.

10 Q. When you're doing this public education work, do you  
11 work with anyone else?

12 A. Yes, ma'am.

13 Q. Who do you work with?

14 A. Tracy Silverman.

15 Q. Who is she?

16 A. She works for Animal Welfare Institute.

17 Q. And how do you work with Tracy Silverman, in general?

18 A. In general we just -- I tell her where I'm going, we  
19 decide where I'm going and we -- and I go there and let her  
20 know, I'll call her on the phone and let her know what -- if  
21 she's got any contacts, or if I get a lead I'll let her know,  
22 and sometimes she'll e-mail that person and let them -- give  
23 them some information and then we kind of work together to let  
24 the media know that this is a worthwhile story.

25 Q. Are you always physically in the city where you're

1 doing your media, where the circus is?

2 A. No, not all the time.

3 Q. How does that work?

4 A. Well, it's like -- a couple of examples. Last year and  
5 this year I was in Florida, and I did media from Florida,  
6 because a lot of places already have me on tape, like Chicago,  
7 ABC has me on tape. CNN has me on tape. So I can set there  
8 and I can do newspaper, I can do radio, I can set stuff up  
9 for -- if it's not too far away, where I can drive to. Like  
10 this year I set some up in Huntsville.

11 But I can -- because I've been to so many towns  
12 and met so many reporters, it's pretty easy to call up and  
13 say, hey, here is a story, we'll send you some stuff, I can do  
14 a satellite feed if I had to.

15 Q. Do you think you've been effective in your public  
16 education work?

17 A. I believe I've been very effective in the public  
18 education work.

19 Q. Why do you say that?

20 A. Because of the response that the -- if somebody sees it  
21 on TV or they see it on the Internet, the response has been  
22 tremendous, hundreds and hundreds of e-mails, you know, both  
23 for and against, both -- some people pro circus, some people  
24 against the circus. There has been just a lot of people that  
25 have responded to this, and I've seen -- I've had reporters

1 call me and say, wow, we got a lot of --

2 MR. SIMPSON: Objection, hearsay, Your Honor.

3 BY MS. MEYER:

4 Q. Do reporters seem interested in hearing your story?

5 A. Yes, ma'am.

6 Q. And do you feel that you have a unique perspective to  
7 give them?

8 A. Yes, ma'am.

9 Q. Why is that?

10 A. Because I was an eyewitness and I'm there telling what  
11 I saw and I'm going to tell them the truth. I'm going to tell  
12 them just what I saw at Ringling.

13 Q. Have you paid taxes on the funding that you've received  
14 for this public education work?

15 A. Yes, ma'am.

16 Q. Did you always pay taxes on it?

17 A. No, ma'am.

18 Q. Why not?

19 A. I maybe just --

20 THE COURT: Wait a minute. Wait a minute. Are we  
21 getting into an area -- let me speak with counsel before you  
22 answer that question.

23 SIDEBAR DISCUSSION ON THE RECORD AS FOLLOWS:

24 THE COURT: He's about to incriminate himself.

25 MS. MEYER: I'll withdraw the question.

1 MR. SIMPSON: Your Honor, I think this is going to  
2 come up.

3 THE COURT: We'll talk about this at the lunch  
4 recess. What I'm concerned about is him saying on the public  
5 record that he's --

6 MS. MEYER: He's made amends with the IRS.

7 THE COURT: He may well have, but this is a public  
8 trial, I'm just concerned about it. We'll talk about it at  
9 the lunch hour.

10 MS. MEYER: I'll --

11 THE COURT: Let's move on. There may be a way to  
12 deal with this.

13 SIDEBAR DISCUSSION CONCLUDED

14 THE COURT: Move to another area for the time  
15 being.

16 MS. MEYER: Okay.

17 BY MS. MEYER:

18 Q. Mr. Rider, how many hours a week do you spend on your  
19 media and public education efforts?

20 A. I would say again that varies. It can be anywhere from  
21 20 to 30 hours a week depending on traveling and doing  
22 interviews and speaking to people. It varies.

23 Q. And you mentioned a laptop. How did you get that?

24 A. Well, through the -- I used money out of a grant to  
25 purchase it. I was in California and purchased it.

1 Q. Have you been to the circus, Ringling Brothers circus,  
2 since you left your employment there?

3 A. Yes.

4 Q. How many times have you been to the circus?

5 A. Well, if they are in town when I'm there, then I can  
6 see them. I would say, you know, it's got to be 30, 40 times  
7 a year. Just depends on what town I'm in and if they are  
8 there. For instance, California, I'm in L.A. when they are in  
9 L.A., so I go down quite frequently and drive past and see the  
10 elephants.

11 Q. Have you had an opportunity over the years since you  
12 left the circus to observe how the elephants were maintained?

13 A. Yes, ma'am.

14 Q. And can you describe what you've observed?

15 A. What I saw over the eight years is I see the same  
16 thing, I see the elephants chained up, I see the bull hooks.  
17 I saw a bull hook get stuck in an elephant's mouth during the  
18 past eight and a half years. I've seen them do the walks with  
19 the bull hooks in their hands. I've seen them --

20 THE COURT: The parades?

21 THE WITNESS: Yeah. Yes, Your Honor.

22 THE COURT: The train, from the train station you  
23 mean?

24 THE WITNESS: Yeah, wherever they park. Just like  
25 they do here in D.C., they'll walk them from -- I believe they

1 stay out at the police department horse ranch.

2 BY MS. MEYER:

3 Q. Why have you gone back over the years to see the  
4 elephants?

5 A. Because I miss them, I want to see them. I don't get a  
6 chance to go up and physically be with them, but I can see  
7 them from a distance. It still hurts. I still see the same  
8 thing I saw when I was there.

9 THE COURT: You say it still hurts.

10 THE WITNESS: Yes, it still hurts.

11 BY MS. MEYER:

12 Q. Can you tell us about some specific times that you've  
13 been back to the Blue Unit to see the elephants since you left  
14 your employment at Ringling Brothers?

15 A. It went to Tulsa, Oklahoma. I went there -- they have  
16 them in a parking garage, and they are down on the bottom  
17 floor, so I was able to actually walk down and -- probably  
18 from here to the wall away from them. And they were all  
19 chained up on the picket line down there.

20 And then I went out to see them -- I don't  
21 remember if it was unloading or loading, but it was -- that's  
22 because I was still on Greyhound at the time, it was  
23 probably 2001. And I saw a gentleman who I worked with,  
24 Robert Ridley, call him Suny, actually take a bull hook and  
25 get it stuck in the elephant's mouth, and he had to twist it

1 to get it out. At that point I was going, oh, this is -- it  
2 ain't going to change, nothing changes but the lot, as they  
3 call it, nothing changes but where you're at. Still ongoing.

4 I saw them just recently up in Chicago. And I  
5 didn't have a chance to -- it was cold so the sides were down,  
6 I couldn't see in the tent. But I did see them walking, I saw  
7 the guys walking along with the bull hooks and, you know --

8 THE COURT: Were they still taped over, the points  
9 taped over?

10 THE WITNESS: Yes, Your Honor.

11 BY MS. MEYER:

12 Q. Have you had an opportunity to see any of the elephants  
13 that you worked with on the Blue Unit who have left the Blue  
14 Unit?

15 A. Yes, ma'am.

16 Q. What have you done?

17 A. Sophie is in -- well, I found out a couple of years  
18 ago, maybe two, three years ago, that Sophie was up in Moline,  
19 Illinois at a zoo. So I was able to go up to Moline and see  
20 her, and visit her. But this year I tried to go, last year,  
21 but I got caught in a big snowstorm and I couldn't make it  
22 across Illinois. I wanted to go see her but I -- I've done --  
23 I've seen them in Florida, I've then them up there.

24 Q. Just to clarify the answer that you gave to Judge  
25 Sullivan about his question about the bull hooks. Did you say

1 they were taped, the -- what part of the bull hook was taped  
2 over?

3 A. The top part of the hook, up in this part (indicating).  
4 They are basically taped all the way up, you don't have  
5 them -- they are not white walking down the street. They are  
6 taped up.

7 Q. Have you had opportunities to see the Red Unit as well  
8 as the Blue Unit over the years?

9 A. Yes, ma'am.

10 THE COURT: Let me ask you this. You saw Sophie a  
11 couple of years ago, is that right?

12 THE WITNESS: Yes.

13 THE COURT: And you worked with her on the Blue  
14 Unit, correct?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Were you able to interact with her at  
17 the zoo?

18 THE WITNESS: Well, actually --

19 THE COURT: Did you sense that she remembered you?

20 THE WITNESS: This is exactly -- I got out of my  
21 van, and Sophie put her trunk in the air. And I went ahead  
22 and paid. It's -- when you go in the gate, she's like right  
23 next to the parking lot. So I went in the gate, and Sophie  
24 was standing over, over in this area, there's like a little  
25 pond between them. She was over in here, and I went over

1 where the fence is, probably from here to that door away.

2           And I was standing there, I didn't say nothing to  
3 her, she had her head down and she was playing with the rocks.  
4 And she suddenly, she went (indicating), and looked right at  
5 me and made a beeline straight towards me. And her trunk went  
6 up in the air, she got up on this wood and just stood there,  
7 and I could hear her, she was just kind of chirping, making  
8 little noises. That elephant recognized -- I said hi, Sophie.  
9 And the handler, the -- a lady came right out, right away.  
10 And I just said yeah, I worked with her. And Sophie knows me.  
11 Sophie recognized me like that.

12           THE COURT: How many years had it been?

13           THE WITNESS: That had to be six. I do believe  
14 they do remember. I mean, that kind of convinced me. But it  
15 was also -- she -- once she heard my voice, it was like  
16 this -- you know, I could just tell, I just -- it brought back  
17 the feelings like, okay, girl, you're here, it's the best that  
18 you can get right now, but at least you're not -- you know,  
19 they do have bull hooks there, I did ask them, but they didn't  
20 have one with them. So it was her and another elephant.

21           THE COURT: Counsel, there's a matter that I have  
22 to focus some time on, and I need to speak with counsel about  
23 that last issue. So we'll break for lunch, and you can enjoy  
24 your lunch. We're not going to start back until 2:30. I have  
25 to ask you, Mr. Rider, not to discuss your testimony with

1 anybody. Okay?

2 THE WITNESS: Yes, Your Honor.

3 THE COURT: Enjoy your lunch. We'll see you at

4 2:30.

5 COURT ADJOURNED AT 1:00 P.M.

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C E R T I F I C A T E

I, Lisa M. Hand, RPR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

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Lisa M. Hand, RPR

<b>\$</b>	46 [1] 40/3 47 [1] 20/4 48 [3] 20/4 20/4 20/4 49 [1] 20/4	<b>ADJOURNED</b> [1] 102/5 <b>admissibility</b> [1] 15/17 <b>admissions</b> [1] 59/3 <b>admitted</b> [2] 5/1 5/23 <b>Advocacy</b> [2] 90/12 92/12 <b>after</b> [35] 6/18 6/21 12/8 12/10 12/11 13/5 14/24 18/12 19/25 20/2 20/2 20/14 22/18 26/10 26/13 28/2 32/16 33/23 38/6 43/5 45/5 45/8 55/16 55/17 57/1 64/16 66/9 70/7 74/23 75/12 78/21 79/2 81/14 84/22 92/9 <b>afternoon</b> [4] 18/7 18/9 18/10 43/3 <b>again</b> [11] 16/2 28/19 33/12 39/4 51/24 54/1 66/4 68/2 71/13 82/9 96/20 <b>against</b> [10] 5/4 27/6 29/13 29/14 30/6 80/20 80/22 81/12 94/23 94/24 <b>age</b> [2] 27/23 27/24 <b>agency</b> [2] 15/14 15/23 <b>aggression</b> [1] 30/1 <b>aggressive</b> [2] 30/10 63/12 <b>ago</b> [4] 87/25 99/18 99/18 100/11 <b>agree</b> [1] 59/5 <b>Agriculture</b> [4] 6/17 67/11 79/4 79/14 <b>ahead</b> [8] 47/24 65/11 69/4 80/19 80/24 81/24 85/18 100/21 <b>ahold</b> [1] 74/20 <b>aided</b> [1] 2/25 <b>ain't</b> [2] 38/5 99/2 <b>air</b> [2] 100/21 101/6 <b>al</b> [2] 1/3 3/13 <b>Alex</b> [4] 19/10 50/25 59/16 59/16 <b>all</b> [60] 4/21 5/23 8/25 11/15 13/24 14/8 21/8 22/2 22/3 26/16 26/19 30/4 30/14 30/19 32/12 32/13 33/16 35/10 36/9 37/23 38/15 38/20 38/23 39/2 41/20 42/14 44/24 45/3 45/13 47/3 48/21 49/18 52/17 53/16 56/13 57/21 57/22 60/10 60/24 61/8 62/4 64/8 64/11 64/13 64/17 66/17 67/2 69/23 70/2 70/11 72/5 73/23 74/17 79/20 83/2 87/2 91/5 94/2 98/18 100/4 <b>allow</b> [6] 8/5 8/18 9/11 80/19 87/4 89/23 <b>allowed</b> [1] 50/6 <b>almost</b> [2] 58/10 62/10 <b>alone</b> [3] 23/18 63/8 63/16 <b>along</b> [2] 38/17 99/7 <b>already</b> [2] 40/14 94/6 <b>also</b> [5] 6/3 9/7 70/20 90/25 101/15 <b>always</b> [50] 18/13 20/25 21/1 21/23 22/8 23/5 23/8 23/9 23/14 23/15 23/16 23/17 23/17 23/18 23/19 23/25 24/2 25/2 25/14 26/24 28/1 28/6 28/16 28/22 29/4 29/5 30/21 32/20 35/7 35/14 35/21 41/1 42/9 46/19 47/5 47/5 47/14 50/2 51/18 52/10 53/6 57/20 58/23 58/23 59/9 68/16 69/19 71/15 93/25 95/16 <b>am</b> [4] 1/6 8/2 50/6 72/24 <b>Amarillo</b> [1] 86/12 <b>amends</b> [1] 96/6 <b>America</b> [1] 75/16 <b>AMERICAN</b> [5] 1/3 3/12 74/24 87/23 87/24 <b>Ameripass</b> [1] 84/20 <b>Amtrak</b> [1] 43/19 <b>Andreas</b> [1] 77/22 <b>Andy</b> [6] 19/10 24/22 48/18 50/25 51/21 53/15 <b>animal</b> [13] 28/8 37/20 40/14 46/1 61/8 62/14 76/6 79/12 83/5 87/21 90/22 90/22 93/16 <b>animals</b> [13] 1/3 3/13 39/2 49/1 49/5 49/12 49/17 49/18 68/20 68/25 70/4 72/12 77/23 <b>another</b> [11] 12/13 13/15 14/10 26/5 39/1 43/16 51/20 60/3 60/12 96/14 101/20 <b>answer</b> [5] 56/16 61/19 65/19 95/22 99/24
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