

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 17, 2009
12:50 p.m.

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

APPEARANCES:

For the Plaintiffs:

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I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

For the Plaintiff:

TOM RIDER

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P R O C E E D I N G S

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

MS. MEYER: Katherine Meyer for the plaintiff.

THE COURT: Ms. Meyer.

MS. WINDERS: Good afternoon, Your Honor.
Delcianna Winders for the plaintiff.

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

MS. SINNOTT: Good afternoon. Michelle Sinnott,
tech for the plaintiffs.

MR. SIMPSON: Good afternoon, Your Honor. John
Simpson for the defendant.

THE COURT: Mr. Simpson.

MS. PETTEWAY: Kara Petteway for the defendant.

1 MS. JOINER: Lisa Joiner.

2 THE COURT: Ms. Joiner.

3 MR. SHEA: Good afternoon, Your Honor. Lance Shea
4 for the defendant.

5 THE COURT: Mr. Shea.

6 MS. PARDO: Good afternoon. Michelle Pardo for the
7 defendant.

8 THE COURT: Ms. Pardo.

9 MS. STRAUSS: Good afternoon, Your Honor. Julie
10 Strauss for the defendant.

11 THE COURT: Ms. Strauss.

12 MR. PAULISOL: Derek Palisoul, technician for the
13 defendant.

14 THE COURT: Let's proceed with the
15 cross-examination.

16 CROSS-EXAMINATION

17 BY MR. SIMPSON:

18 Q. Good afternoon, Mr. Rider.

19 A. Good afternoon, Mr. Simpson.

20 Q. Mr. Rider, between the time that we broke last Thursday
21 and today have you discussed your testimony in this case with
22 anyone?

23 A. No, sir.

24 Q. Has your testimony in this case been discussed in your
25 presence by anyone else?

1 A. No, sir.

2 Q. Have you discussed with anyone what you're going to
3 testify about today or any continuation in this case?

4 A. No, sir.

5 Q. Mr. Rider, when you filed your tax return in 2007 for
6 the year 2000, which concerned the time in which you worked at
7 PAWS, you reported the money that PAWS paid you as income,
8 isn't that correct?

9 A. Yes, sir.

10 Q. And when you filed your 2001 tax return in 2007, for
11 the time period 2001, you reported the money that Meyer
12 Glitzenstein & Crystal had paid you as income for that year,
13 isn't that correct?

14 A. Well, that's income tax, so yes, that's correct.

15 Q. But you reported that money as income, isn't that true?

16 A. Well, yes, sir.

17 Q. And for that same year, 2001, you reported the money
18 that PAWS paid you in 2001 as wages on that same income tax
19 return, isn't that correct?

20 A. Yes, sir.

21 Q. And all three of those statements were made to the
22 Internal Revenue Service under penalty of perjury, isn't that
23 true?

24 A. Yes, sir.

25 Q. You described in your direct testimony the media and

1 outreach work that you do. You do that for a living, isn't
2 that correct?

3 A. No, sir.

4 Q. Let me direct your attention if I could, sir, to
5 your 2007 deposition at Page 212, line 8. The question was:
6 What do you do for a living? The answer: I have a -- I go
7 around the country speaking to the media, and to legislative
8 branches of the government, and states, and I speak to groups
9 that want to hear, you know, grassroots groups that want me to
10 speak about what I witnessed at Ringling.

11 Did I read that correctly, sir?

12 A. Yes.

13 Q. Mr. Rider, the money that you receive from the WAP,
14 there's no restriction on what you can spend that on, isn't
15 that true?

16 A. For whatever it takes for my expenses to do my media
17 and my educational campaign.

18 Q. So it's any and all of your living expenses, is that
19 correct?

20 A. Yes, sir.

21 Q. So you have, as I understand it, you do incur living
22 expenses, correct?

23 A. Yes.

24 Q. You do media work, is that right?

25 A. Yes, sir.

1 Q. And the money you get from WAP is for that media work,
2 is that true?

3 A. Yes.

4 Q. So every living expense that you have is a media
5 expense, isn't it?

6 A. Yes.

7 Q. Including the clothes on your back, isn't that correct?

8 A. Yes.

9 Q. And the shirt that you had your deposition taken in,
10 isn't that true?

11 A. Yes, sir.

12 Q. Now, isn't it true, sir, that the WAP has advertised
13 your travels as you go around the country in an effort to
14 raise money? Do you recall that?

15 THE COURT: Well, he may know whether they have
16 been advertised or not. He may not know the reason. Do you
17 know whether they have been advertised or not?

18 THE WITNESS: You mean like press releases? Yes.

19 BY MR. SIMPSON:

20 Q. They have advertised your travels, have they not?

21 A. In press releases, I guess, so I guess that's a yes.

22 Q. They've advertised you as traveling around the country
23 to the various towns where the Ringling Brothers circus goes
24 where you do media, isn't that true?

25 A. Yes.

1 Q. But that is not in fact what you do, is it?

2 A. No, that's what I do.

3 Q. Isn't it true that you do most of this media work from
4 a stationary location?

5 A. No, sir.

6 Q. Well, isn't it true that in 2007 you did media work in
7 St. Louis, Missouri, from a van in Inglis, Florida on a cell
8 phone?

9 A. Yes.

10 Q. You were not physically in St. Louis, Missouri, were
11 you?

12 A. No.

13 Q. During that same timeframe, in October of 2007, you did
14 media work in Bridgeport, Connecticut from Florida, in a van
15 in your daughter's driveway?

16 A. Yes, sir.

17 Q. And you did that same type of media work in that same
18 month for Manchester, New Hampshire from Florida in your van?

19 A. Yes.

20 Q. You weren't in Manchester, New Hampshire?

21 A. No, sir.

22 Q. You weren't in Bridgeport, Connecticut?

23 A. No, sir.

24 Q. Isn't it also true in September of that year you did
25 media work in Salt Lake City without having to go to Salt Lake

1 City?

2 A. Yes, sir.

3 Q. And the same question with respect to Denver, Colorado.
4 You were also in Florida doing media work in Denver, Colorado,
5 isn't that true?

6 A. Yes, sir.

7 Q. But the checks that were sent to you were for media
8 work in those cities, isn't that true?

9 A. Yes.

10 Q. There would be no way to know by looking at those
11 checks that you were not actually physically in those cities,
12 isn't that correct?

13 A. Not by looking at the checks.

14 Q. The only way we'd know that would be talking to you,
15 correct?

16 A. Yes, sir.

17 Q. Now, you do -- most of your media work is done on your
18 cell phone from your van, isn't that true?

19 A. Some of it.

20 Q. Well, wouldn't it be fair to say the majority of it?

21 A. Well, it's all done either cell phone or laptop, either
22 one.

23 Q. But from your van?

24 A. Oh -- from.

25 Q. From one location in your van, isn't that right?

1 A. Yes, sir.

2 Q. Now, Mr. Rider, has the WAP ever withheld any money
3 from you on the ground that you hadn't done enough media work?

4 A. No, sir.

5 Q. Have they ever withheld any money from you on the
6 ground that what you did wasn't good enough?

7 A. No, sir.

8 Q. So the money has continued to flow to you every two
9 weeks without fail since the payments began, isn't that
10 correct?

11 A. No, sir.

12 Q. There's been interruptions in those payments?

13 A. There -- I'm not sure on that. I don't remember.

14 Q. You'd stand corrected by the records on those payments?

15 A. Yes.

16 Q. Now, if I could turn your attention, sir, to
17 defendant's exhibits -- well, let's start with Number 51.
18 This exhibit, sir, is a compilation of checks from the
19 Wildlife Advocacy Project to you. And there are several
20 documents here. Have you seen these before?

21 A. I have not seen this one.

22 Q. You recognize this as a check that was sent to you by
23 the WAP on or about the date indicated, May 18, 2001?

24 A. That's not made out to me.

25 Q. Go to the next page then. Page 3. Never mind. We

1 have the wrong document.

2 Mr. Rider, you weren't here on the first day of
3 this trial, were you?

4 A. No, sir.

5 Q. Or the second day?

6 A. No, sir.

7 Q. Or the third day?

8 A. No, sir.

9 Q. In fact the first time you came to this trial was last
10 Thursday, isn't that correct?

11 A. Yes.

12 Q. Do you plan to stay for the rest of the trial?

13 A. No, sir.

14 Q. Why not?

15 A. I'm a plaintiff, but I'm giving my testimony and I feel
16 that I don't want to -- I feel that I'm giving my testimony
17 and that's as far as I need to go in this.

18 Q. So you don't want to stay and see how the rest of this
19 trial comes out with respect to your elephants?

20 A. Well, I can stay, but I'm choosing to give my testimony
21 in this court and then let -- my attorneys will handle the
22 rest of it.

23 Q. What is more important for you to do other than be at
24 this trial?

25 A. To get a judgment in our favor so I can -- my elephants

1 can be in a better situation than they are now.

2 Q. If you're not going to be here, sir, what are you going
3 to be doing?

4 A. I am not sure yet.

5 Q. You testified in your direct that you have a van that
6 you travel in that has more than 380,000 miles, is that true?

7 A. Yes.

8 Q. In fact, sir, you don't have any way of knowing how
9 many miles are on that van, do you?

10 A. Yes, sir.

11 Q. Because you don't keep records, do you?

12 A. Well, I've got an odometer.

13 Q. Your odometer is broken, isn't it?

14 A. No, sir.

15 Q. Let me show you --

16 A. It was.

17 Q. It was? It was broken at the time your deposition was
18 taken, wasn't it?

19 A. Yes.

20 Q. You've since had it fixed?

21 A. Yes.

22 Q. And you've got 380,000 miles on it since then, is that
23 your testimony?

24 A. Yes, sir.

25 Q. But you don't keep any records for tax purposes with

1 respect to your mileage, do you?

2 A. Yes, sir.

3 Q. Let me show you Page 572 of your 2007 deposition at
4 Line 3. Bottom of Page 571. Question, at Line 22: Do you
5 have any documents that record the mileage you put on this
6 van? Answer: No. My odometer, but it is broke now.

7 So at the time you had no documents, isn't that
8 correct? The time this question was asked to you, in December
9 of 2007?

10 A. Yeah, at that time.

11 Q. That was your answer under oath at the time, correct?

12 A. Yes, because my odometer was broke.

13 Q. The question was you have no documents to support the
14 mileage you claim, isn't that correct?

15 A. Well, yes, I have no documents.

16 Q. But you claimed this as a tax deduction, did you not,
17 your mileage?

18 A. Not all my mileage. I claimed what the government
19 allows, so much a day.

20 Q. But every mile you drove on that van was for media
21 work, wasn't it?

22 A. Yes.

23 Q. And every mile that you drove on that van was therefore
24 deductible, was it not, according to what you file with the
25 IRS?

1 A. No.

2 Q. You use some of that van for personal use?

3 A. Well, I didn't file it that way.

4 Q. But you have no records, do you, sir, that supports the
5 mileage deduction that you took for that van, do you?

6 A. Other than my odometer, no.

7 Q. Let me go back to that same page of the deposition.

8 Same deposition, Page 572. 571, preceding page. Let's go to

9 Line 3. Question was: This is a tax return for 2006?

10 Answer: Yes, sir. Question: Look at page T.R.00610.

11 Answer: Yes, sir. Question: Line 47A asks you do you have

12 evidence to support your deduction. Do you see that? Answer:

13 Yes, sir. Question: Do you have such evidence? This is

14 information on your vehicle. Answer: If it is -- if it is

15 information on my vehicle? Question: Right. Answer: Sure.

16 Question: Is that evidence in the form of writing, documents?

17 Answer: No, sir. Question: What is it in the form of?

18 Answer: Title to my van, I guess.

19 Did I read that correctly?

20 A. Yes, sir.

21 Q. Where is this van parked right now, Mr. Rider?

22 MS. MEYER: Objection, Your Honor.

23 THE COURT: I'll allow the question to be asked.

24 MS. MEYER: I'm not sure we want to have Mr.

25 Rider's location disclosed right now.

1 THE COURT: You don't have to give us an address.
2 Just tell us the city.

3 THE WITNESS: Okay. Alexandria.

4 BY MR. SIMPSON::

5 Q. Virginia?

6 A. Yeah, Virginia.

7 Q. So you drove that van up here to the trial?

8 A. Yes, sir.

9 Q. Mr. Rider, if I can direct your attention back to the
10 time when you worked for Ringling Brothers in 1997 and 1999,
11 you indicated in your direct that the handlers of the
12 elephants would make contact with the back of the elephant's
13 leg with the bull hook, is that correct?

14 A. Yes, sir.

15 Q. Do you remember seeing that?

16 A. Yes, sir.

17 Q. And isn't it true, though, that what that bull hook
18 caused were superficial marks on those elephants, isn't that
19 right?

20 A. Sometimes.

21 Q. But none of those marks were permanent, were they?

22 A. No.

23 Q. Those were marks that sometimes would appear to be
24 white like the scratch of your skin, correct?

25 A. Sometimes.

1 Q. Sometimes they would look red, isn't that true?

2 A. Only if they were bleeding.

3 Q. But they were not permanent, were they?

4 A. No, sir.

5 Q. They would come and go, isn't that true?

6 A. Yes, sir.

7 Q. And isn't the same description I just used also the
8 case for marks and scratches behind the elephants' trunks,
9 isn't that right?

10 A. Sometimes, yes.

11 Q. These were marks that came and went, isn't that right?
12 They weren't permanent?

13 A. In most cases, no.

14 Q. In most cases isn't that also the same with respect to
15 marks on tops of the elephants' backs?

16 A. Most of the time.

17 Q. Those are also marks that came and went, isn't that
18 true?

19 A. Yes, sir.

20 Q. You indicated in your direct that you used a substance
21 called Wonder Dust. Do you remember that testimony?

22 A. Yes.

23 Q. Now, when you put Wonder Dust on a wet spot, doesn't it
24 turn darker?

25 A. In most cases.

1 Q. So it could be --

2 A. You put it on the blood, it coagulates.

3 Q. But it turns a darker color, doesn't it?

4 A. In some cases.

5 Q. Doesn't it always turn darker?

6 A. No.

7 Q. Whether it's wet or whether it's blood?

8 A. No.

9 Q. Let me refer you to page 420 of your 2007 deposition,
10 at Line 22. Question: When you put this on a bloody spot on
11 the elephant what color was it? Answer: It would turn a wet,
12 a darker, a dark gray, if it was blood. If it was just a
13 scratch, it would stay the same color. Question: Once you
14 put it on with respect to a mark that was bloody, you could
15 see the spot, could you not? Answer: Yes, it would turn a
16 dark gray until it dried. Question: How long did it take to
17 dry? Answer: Fifteen minutes. Not very long.

18 Did I read that correctly?

19 A. Yes, sir.

20 Q. So with respect to a non-bloody scratch it wouldn't
21 turn color, but a bloody scratch it would, isn't that true?

22 A. It would turn color until it dried.

23 Q. And it was visible from a distance, was it not?

24 A. Oh, yes, sir.

25 Q. Now, when you put Wonder Dust on an elephant, it is a

1 substance that will wash off, isn't that true?

2 A. Yeah, most cases.

3 Q. So if, based on your experience with Wonder Dust, if an
4 elephant had a cut and Wonder Dust was applied and then the
5 Wonder Dust was washed off with water, then that cut would be
6 clearly visible, would it not be?

7 A. If you washed it off, yes.

8 Q. Now, Mr. Rider, I want to direct your attention to a
9 document that was filed in this case, or the predecessor of
10 this case, it's technically this case, Civil Action 00-1641,
11 in 2001, entitled A Motion for Reconsideration, which I showed
12 you in your deposition. If I can bring that up. It's T.R.6.
13 Do you recall I showed you this in your deposition,
14 plaintiffs' motion for reconsideration?

15 A. Yes, sir.

16 Q. Let me direct your attention to Page 12 of that
17 document. Well, 10 of that document, 12 of the exhibit. Do
18 you remember I called your attention to this statement: Just
19 like the individuals whom the Supreme Court found had standing
20 in Laidlaw, as well as those in subsequent cases construing
21 Laidlaw, Mr. Rider has alleged that he desires to both visit
22 and work with the elephants again, but is refraining from
23 doing so to avoid subjecting himself to further aesthetic and
24 emotional injury.

25 MS. MEYER: I object to any questions involving

1 legal interpretations of Supreme Court case law or any
2 other --

3 THE COURT: He's not asking that, he's just asking
4 him about that statement, right? He's not asking for any
5 interpretation. He's asking --

6 BY MR. SIMPSON:

7 Q. Do you remember I showed you that statement in your
8 deposition?

9 A. Yes.

10 Q. You testified that that statement was true, isn't
11 that -- isn't that in fact the case?

12 A. Yes, sir.

13 Q. And I also showed you, did I not, a reply brief that
14 was filed in the Court of Appeals in the appeal in this case.
15 Do you remember that? In your deposition?

16 A. I might if I seen it.

17 Q. Let me show you that. That is T.R.7.

18 THE COURT: When you ask him is that true, you're
19 talking about him refraining from visiting --

20 MR. SIMPSON: Yes, sir.

21 BY MR. SIMPSON::

22 Q. That statement that you were refraining from visiting
23 the elephants was true, was it not?

24 A. Yes, the second part of that, yes.

25 Q. It's true today and it was true at the time your

1 deposition was taken, correct?

2 A. Yes.

3 Q. Now, what is on the screen before you is a reply brief
4 of plaintiffs-appellants in the appeal in this case. Do you
5 recall looking at this document in your deposition?

6 A. Yes, sir.

7 Q. Let's turn to Page 13 of that reply brief, which is
8 Page 17 of the exhibit. Do you remember I showed you this
9 statement, Mr. Rider: Mr. Rider alleges an aesthetic injury
10 akin to the one that survived a motion for summary judgment in
11 Laidlaw, i.e., the present ongoing injury of having to refrain
12 from visiting or observing the elephants with whom he has
13 formed a personal attachment, in order to avoid additional
14 aesthetic injury.

15 With respect to that statement, that you were
16 refraining from visiting or observing the elephants, was that
17 a true statement when this brief was filed?

18 A. Yes, sir.

19 Q. Is that a true statement today?

20 A. Yes, sir.

21 Q. Those statements in fact are not true, are they?

22 A. Well, yes, sir. I can only see them from a distance.
23 I can't go visit my elephants.

24 Q. In fact, since you came back to the United States from
25 the United Kingdom in March of 2000, you have visited and

1 observed the Blue Unit elephants on many occasions, isn't that
2 true?

3 A. I have observed them from a distance.

4 Q. In fact isn't it true that you have seen them at least
5 15, 10 or 15 times per year since November of 1999, at least?

6 A. Probably.

7 Q. And in fact you listed some of these occasions when you
8 answered your interrogatories, isn't that true?

9 A. Yes.

10 Q. Let me direct your attention to your answer to
11 Interrogatory Number 17, which is DX-16, Page 33. Did I say
12 16? 17. And the interrogatory was: Describe each of your
13 observations of elephants that you know as alleged in
14 paragraph 23 of the complaint since you left defendant's
15 employ, including which elephants you observed.

16 And then you answered that interrogatory, did you
17 not, sir?

18 A. Yes, sir.

19 Q. And you did so under oath?

20 A. Yes, sir.

21 Q. Correct? And you made reference to having seen the
22 elephants on various occasions in the towns in which Ringling
23 performs in, isn't that true?

24 A. Yes.

25 Q. Isn't it true that in Madison, Wisconsin in May 2001

1 you saw the Blue Unit elephants?

2 A. Yes, sir.

3 Q. And isn't it true that in Atlanta, Georgia, in 2003 you
4 saw the Blue Unit elephants, isn't that right?

5 A. Let's see. I guess, yeah, two years down there, so I
6 would -- I don't know which unit was there in 2003, but --

7 Q. So 2002 would have been Red and 2003 would have been
8 Blue?

9 A. I am assuming. I'm not sure on that because I would
10 have to look -- I know some come on the odd and even years.
11 I'm not sure which ones.

12 Q. In Manchester, New Hampshire in September and October
13 of 2003, that was also an observation of the Blue Unit
14 elephants, isn't that right?

15 A. Yes, from a distance.

16 Q. And in Pittsburgh, Pennsylvania in 2001, that was also
17 a time in which you had seen the Blue Unit elephants, isn't
18 that true?

19 A. Yes, sir.

20 Q. Now, when you saw these elephants, these Blue Unit
21 elephants in the times that you stated in this interrogatory,
22 were you suffering an aesthetic injury?

23 A. Yes, sir.

24 Q. But you subjected yourself to it voluntarily, did you
25 not?

1 A. Yes, sir.

2 Q. In fact you were paid to go see these elephants,
3 weren't you?

4 A. No, sir.

5 Q. You weren't being paid by the WAP to go see these
6 elephants?

7 A. I received grants; I was not being paid.

8 Q. You were receiving money to go see them, isn't it?

9 A. I was receiving grants to go.

10 Q. And these visits were part of your media work, isn't
11 that true?

12 A. Yes, sir.

13 Q. And part of these visits also included you making
14 videotapes of these elephants, isn't that right?

15 A. Sometimes.

16 Q. And you made a videotape of the Red Unit elephants
17 in 2003 in Reno, Nevada, isn't that right?

18 A. I believe so.

19 Q. And that was part of your media work too, wasn't it?

20 A. Sure.

21 Q. And then you testified in your direct that you made a
22 video of the Blue Unit in Tulsa, Oklahoma in 2001, isn't that
23 right?

24 A. Yes.

25 Q. In June of 2001?

1 A. Yes.

2 Q. That was played in your direct, that picture of -- that
3 video of Sonny Ridley on the railroad tracks with the
4 elephant?

5 A. Yes.

6 Q. That is a videotape that you made?

7 A. Yes.

8 Q. When you made that, Mr. Rider, was there a longer
9 version of that film?

10 A. No, sir.

11 Q. So is it your testimony that the part that was played
12 to the Court is the only form in which that film has ever
13 existed?

14 A. You know, it might have been -- I'm sure that it might
15 have been a few seconds before and after that, yes. Other
16 than that, that would have just been for court. But no,
17 that's it. I didn't set there for hours and film.

18 Q. What happened to what came before and after?

19 A. I just would have been filming straight on, right
20 there.

21 Q. You filmed Mr. Ridley on the side of that railroad
22 siding, didn't you?

23 A. Right at that point, yeah, I turned my camera on.

24 Q. You were holding that video camera, correct?

25 A. Yes.

1 Q. You picked up the scene that was played as Plaintiffs'
2 Exhibit 132P in this courtroom last week, correct?

3 A. Yes.

4 Q. And there was film that you made before that happened,
5 correct?

6 A. I don't remember that. It wouldn't have been -- I
7 don't think there was very much, if any.

8 Q. Well, did you turn the camera on exactly at the point
9 in time in which that man interacted with that elephant and
10 the bull hook --

11 A. Within a few seconds, yes.

12 Q. What happened to that part of the film?

13 A. Should be there. I don't know.

14 Q. It's your testimony it was produced in this case?

15 A. Yes, sir.

16 Q. What did you do with that film when you took it?

17 A. I gave it to the -- my lawyers.

18 Q. This is in June of 2001.

19 A. Yeah.

20 Q. You took the film and gave it to your lawyers in
21 exactly the way you made it, is that correct?

22 A. Oh, yes, sir.

23 Q. And after you -- after the part of the film turns off
24 that was played to the Court, was there other -- was there
25 other film with respect to Mr. Ridley?

1 A. I don't believe so. I don't remember.

2 Q. But whatever you made was turned over to your lawyers,
3 is that correct?

4 A. Yes, sir.

5 Q. Let me pull up that first clip. Let me put this under
6 the ELMO. Mr. Rider, what I'm showing you is an e-mail that I
7 exchanged with your lawyer on Sunday and yesterday, in which I
8 asked her the parts of the film that were produced -- that we
9 just discussed, that were produced in this case, to the
10 defendant.

11 The question at the bottom was: In the afternoon
12 session on Thursday, February 12, in connection with the
13 Tulsa 2001 Sonny Ridley clip, Plaintiffs' Exhibit 132P that
14 was played in Mr. Rider's direct, reference was made at Page
15 8, lines 3 through 5, to other portions of that clip that were
16 turned over to the defendant in discovery. I would appreciate
17 your sending me a Bates label and counter location for those
18 other portions. Thank you.

19 And then at the top your lawyer writes back:
20 This is what I have. Plaintiffs' Will Call Exhibit 123, Bates
21 Number P.L.7069. 10:34 to 12:21. And then the second item is
22 Will Call Exhibit 121B, Bates Number P.L.7074, at 2:24:22 to
23 2:24:34.

24 Now, Mr. Rider, I'm going to play for you the
25 first clip as identified by your lawyer.

1 A. Okay.

2 (Video played).

3 Q. The part of that film that portrayed Mr. Ridley, is
4 there anything other than what we saw with respect to Mr.
5 Ridley?

6 A. No, sir.

7 Q. That's it?

8 A. Yes.

9 Q. It's your testimony that that's the only form in which
10 that part of the tape has ever existed, what we just saw?

11 A. Yes, sir.

12 Q. Now, this film also had shots inside, it looks like an
13 arena, with elephants on a picket line?

14 A. Yes, sir.

15 Q. Did you take that?

16 A. Yes, sir.

17 Q. And how did you get in to take that?

18 A. Walked down the stairs. It was in a parking lot below
19 the -- well, it was like -- you had parking up here and then
20 there was an underground parking lot, and you could walk down,
21 and there was the fence, as you noticed when it backed up you
22 could see the fence, and stood right there and took it.

23 Q. And that third segment appeared to be a rehearsal, is
24 that what that was?

25 A. Yes.

1 Q. How did you get in to take that?

2 A. I didn't take that.

3 Q. Who took that?

4 A. That was taken by, I believe his name was Chris.

5 Q. Chris who?

6 A. I'm not sure of his last name.

7 Q. And he used your video camera to take it?

8 A. Yes, sir.

9 Q. Let me show you the second clip that was identified by
10 your lawyer.

11 (Video played).

12 Q. So again, that is the only form in which that has ever
13 existed?

14 A. Yes, sir.

15 (Video played).

16 Q. Now, you testified, sir, that this, according to your
17 interpretation, was Mr. Ridley getting the hook stuck in the
18 elephant's mouth, is that correct?

19 A. Yes.

20 Q. Isn't it possible that it got hung up on the outside
21 flap of skin that covers the elephant's lip?

22 A. I don't know. That would be an assumption.

23 Q. Isn't there a big flap of hide that comes down on the
24 outside that protects an elephant's lip?

25 A. Well, it's a cheek.

1 Q. A cheek. And you fed these elephants on many occasions
2 with bread, right?

3 A. Yes.

4 Q. So you've had an occasion to be up close and personal
5 to an elephant's mouth, right?

6 A. Sure.

7 Q. That structure is in there, isn't it?

8 A. Yeah, it's a cheek.

9 Q. It's also possible she bit down on that hook, too,
10 isn't that true?

11 A. I don't know. It's an --

12 Q. Now -- excuse me. Are you finished?

13 A. Yes. I'm sorry.

14 Q. The version of this film, 132P, that was exhibited to
15 the Court, has a white number 45 in the bottom left-hand
16 corner. We can play it again. But were you the person that
17 put that number on there?

18 A. There was a what number on the bottom?

19 Q. Let's play 132P.

20 (Video played).

21 Q. You see the white number at the bottom of the picture,
22 Mr. Rider, number 45?

23 A. No. I see it. Yes, I see it.

24 Q. You see that number. Did you put that on the film
25 yourself?

1 A. No, sir.

2 Q. Do you know who did?

3 A. No, sir.

4 Q. Mr. Rider, let me show you Defendants' Exhibit 40, and
5 I ask you, sir, do you recognize this as a warning that you
6 received?

7 MS. MEYER: I object to this exhibit on the grounds
8 that it's not complete. Mr. Rider testified in his direct
9 testimony that these write-ups concerning him were accompanied
10 by a narrative explaining --

11 THE COURT: You can ask him on redirect. I'll
12 allow it. It's cross-examination.

13 BY MR. SIMPSON:

14 Q. Mr. Rider, do you recognize your signature, Tom Rider,
15 on this document?

16 A. Yes, sir.

17 Q. Let me show you Defendants' Exhibit 41. Do you
18 recognize that as your signature on this document?

19 A. Yes, sir.

20 Q. And Exhibit 42. Do you recognize that as your
21 signature on this document?

22 A. Yes, sir.

23 Q. Now, Mr. Rider, you testified in your direct about the
24 extent to which the elephants were chained when you were with
25 Ringling Brothers.

1 A. Yes.

2 Q. If I recall your testimony, you said that they were
3 chained essentially all the time except for about a minute
4 before they were brushed off for the show, and then for 30 or
5 40 minutes while they were in the show. Is that correct?

6 A. Yes, sir. It varied.

7 Q. Well, you've given varied accounts of that, haven't
8 you?

9 A. Yes, sir, because it does vary.

10 Q. You've given many different numbers about how long
11 these elephants were chained, isn't that true?

12 A. Yes, sir.

13 Q. For example, if I could show you, sir, the complaint
14 that was filed in this case, on July 11, 2000, paragraph 84.
15 T.R.5. This makes reference to elephants being in chains for
16 long periods of time up to 20 hours a day. Is that a true
17 statement when it was made?

18 A. Yes, sir.

19 Q. Let me show you paragraph 75 of the complaint that was
20 filed in this case on September 26, 2003. This says the same
21 thing, up to 20 hours a day. Is that true?

22 A. Yes, sir.

23 Q. All right. You testified in your deposition in 2006
24 that it was between 22-1/2 and 23 hours a day, isn't that
25 true?

1 A. Yes, sir.

2 Q. And you told the lawyer in PAWS in March of 2000 that
3 they are on the chains except for 13 minutes a day, isn't that
4 right?

5 A. Yes, sir.

6 Q. You told the Chicago city council in February of 2006
7 that they were chained 24 hours a day, isn't that right?

8 A. Yes, sir.

9 Q. So which, Mr. Rider, is the right number?

10 A. Well, if they are on the train it could be 24 hours or
11 longer. And in the beginning they were chained up only to
12 take them in for the shows, when I was there, so, yes, those
13 numbers can vary.

14 Q. You didn't make any reference to that in your Chicago
15 testimony, did you?

16 A. I don't think so.

17 Q. Well, let me -- do you recall being in Chicago,
18 Illinois in February of 2006?

19 A. Yes, sir.

20 Q. And you made a presentation before the Chicago city
21 council, is that correct?

22 A. Yes.

23 Q. Were you under oath at that time?

24 A. I don't think so.

25 Q. But you were there to tell what you saw as the truth,

1 correct?

2 A. Yes, sir.

3 Q. Let's play this R.T.4.

4 (Video played).

5 Q. Mr. Rider, except for the, as you say, the very end of
6 your tenure, you told that city council it was 24 hours a day,
7 didn't you?

8 A. Basically, yes.

9 Q. And if we could back up and show the beginning of that
10 clip again.

11 (Video played).

12 Q. This lady at the top, do you recognize her, in the dark
13 suit where the little arrow is pointed?

14 A. I'm not sure.

15 Q. That's RaeLeann Smith --

16 A. Oh. Okay.

17 Q. She's affiliated with PETA, isn't that true?

18 A. Yes.

19 Q. And isn't it true that PETA paid for your expenses to
20 go to this hearing, isn't that right?

21 A. I don't recall that. I don't remember. Maybe so.

22 Q. Let me see if I can refresh your recollection.

23 A. Yeah.

24 Q. Mr. Rider, let me show you a document that was produced
25 in this case pursuant to a subpoena that was served on PETA,

1 and it indicates in the top line: 2/13/06, travel expenses
2 for expert testimony at the Chicago city council for the
3 elephant protection ordinance. Does that refresh your
4 recollection about whether PETA paid for your expenses to go
5 to that hearing?

6 A. Yes. I don't think they -- they paid for my meals and
7 my hotel when I was there, but I went up there on my own.

8 Q. PETA also paid for you to go to New York, did they not,
9 to testify against the Clyde Beatty-Cole Brothers Circus?

10 A. I have to answer, I don't know.

11 Q. You don't remember that?

12 A. No. I remember going to Greensburgh.

13 Q. This would have been Greenburgh, New York?

14 A. Greensburgh.

15 Q. Greenburgh?

16 A. Yeah.

17 Q. Let me show you another document that was produced in
18 this case pursuant to the same subpoena, which is a series of
19 e-mails, and I would direct your attention to the one at the
20 top dated 9/21/07, which states: I took care of the Meyer
21 inquiry re plane ticket for trip Tom Rider made in 2001, from
22 N.Y.C. to L.A. Debbie said it was return from trip Rider made
23 to Southampton, New York to testify at city council re Clyde
24 Beatty Circus, for which he previously worked.

25 Does that refresh your recollection?

1 A. Yes.

2 Q. So PETA paid for that trip, too?

3 A. I wouldn't have been privilege to it at that time, but
4 yes, I remember flying back to L.A.

5 Q. Now, when you worked at the circus in terms of the
6 tethering or chaining of the elephants, you would chain or
7 unchain the elephants under someone else's supervision, isn't
8 that right?

9 A. No, sir, we -- everybody chained.

10 Q. But you weren't doing it because you decided to get
11 them on and off, someone told you to, correct?

12 A. Oh, sure.

13 Q. And where on the front of the -- where on the
14 elephant's front foot was the bracelet put? The chain, where
15 was it put?

16 A. Depended on -- either the left or the right, depending
17 on which elephant, and then the opposite leg in the back.

18 Q. And where exactly on the legs were the chains put?

19 A. On the front usually down by the -- we'll call it an
20 ankle. And on the rear it could be anywhere from the knee to
21 the ankle.

22 Q. So they weren't put on the same place?

23 A. No, not all the time.

24 Q. When I asked you in your deposition you told me they
25 were put in the same place, isn't that true?

1 A. Yes, but, you know, there is -- like if an elephant had
2 to move over, they might, instead of the -- depending on
3 your -- in the barn, if you had the food too close, you'd have
4 to move a chain up to a knee.

5 Q. But generally the front chain is put down near the
6 wrist, isn't that correct?

7 A. Yes, or ankle.

8 Q. And the rear chain is above the elephant's ankle bone,
9 isn't that right?

10 A. Yes, sir.

11 Q. And these chains that were used at the time were
12 attached to the elephant's leg with a bracelet made out of
13 chain, correct?

14 A. Yes, sir.

15 Q. And that bracelet was covered in fire hose, was it not?

16 A. Yes, sir.

17 Q. When the elephants were chained on the picket line at
18 Ringling Brothers when you were there, they could lie down,
19 could they not?

20 A. Yes, sir.

21 Q. And many in fact did lie down to sleep, didn't they?

22 A. Yes.

23 Q. You saw that many times, didn't you?

24 A. Yes, sir.

25 Q. Now, when you were not on the shift that you had

1 between 3:30 and 10:30 at night, you don't know from personal
2 knowledge how often the elephants were off the chains, do you?

3 A. No, sir.

4 Q. You don't know after your shift was over how long they
5 were off the chains either, do you?

6 A. Well, yes, sir, I kind of do, because they -- it was a
7 night shift, they were chained up the whole time.

8 Q. But you weren't there, were you?

9 A. No, I wasn't there.

10 Q. You described in your direct the conditions in Madison
11 Square Garden where the elephants were kept, correct?

12 A. Yes, sir.

13 Q. Is it your testimony that the elephants never got any
14 exercise at Madison Square Garden?

15 A. Yes, sir. I believe I testified to that, other than
16 going in for rehearsal.

17 Q. Apart from rehearsal, is your testimony that there was
18 no exercise period at all for the animals at Madison Square
19 Garden?

20 A. None that I saw.

21 Q. They were never taken into the arena to do laps around
22 the arena?

23 A. Not while I was there.

24 Q. It could have happened when you weren't there, isn't
25 that true?

1 A. It could have.

2 Q. And isn't it a fact, sir, that during the morning shift
3 there is a designated exercise period for the elephants?

4 A. I don't know.

5 Q. Wasn't that in fact the case when you were there, the
6 whole time you were there?

7 A. I don't know that.

8 Q. Before the elephants were bathed they were taken out,
9 regardless of where they were, whether it was indoor or
10 outdoor venue, and they were exercised for 30 minutes to an
11 hour?

12 A. I don't know. I wasn't there.

13 Q. You never heard that?

14 A. No, sir.

15 Q. Now, with respect to Madison Square Garden, today you
16 don't know what the conditions inside that arena are for the
17 elephants, do you?

18 A. Well, no.

19 Q. When you were with the Blue Unit in 1999 when the
20 circus went to Madison Square Garden -- is that the year they
21 were there?

22 A. I think it was '98.

23 Q. '98?

24 A. Yes.

25 Q. Do you remember them, the animals being inspected by

1 the ASPCA?

2 A. I wasn't present for that.

3 Q. Now, I take it that is it -- is it your testimony that
4 electric pens were never used when you were there?

5 A. It was on a rare occasion. In the beginning we
6 never -- it was later on that we ever used them.

7 Q. But when they were used, they were in those pens, at
8 least as you observed it, from at least -- for at least five
9 to six hours, isn't that correct?

10 A. That would be winter quarters. And if we -- if we had
11 a pen, it wouldn't have been that long. It would have just
12 been a couple hours.

13 Q. Well, let me turn your attention to your 2006
14 deposition at Page 27, Line 7. This is a question by Ms.
15 Meyer. Question: And in the venues where pens were used, can
16 you estimate how many hours a day the elephants were on
17 chains? Answer: Well, from the time when I came to work at
18 3:30 they -- it was pens. They were using the pens. They
19 would be there until 5:30, quarter to 6, whenever Randy would
20 want to come out or somebody else came along and said let's
21 take the elephants in. And at that point they would be taken
22 out and put back on the chains. Question: So how many hours
23 would you estimate for the venues where there were pens, how
24 many hours would you estimate the elephants were on chains?
25 Answer: Five or six at the most. That's on a one-show day.

1 If they put them in there after rehearsal in the morning and
2 took them out at 5:00 o'clock, about five or six hours.

3 Question: Five or six hours on chains? Answer: Oh, no, in
4 pens. I'm sorry.

5 Have I read that correct?

6 A. Yes, sir.

7 Q. And you mentioned in your direct that there was an open
8 house in Uniondale, New York, is that right?

9 A. Yes, sir.

10 Q. And that's at Nassau Coliseum, isn't it?

11 A. I believe so.

12 Q. And isn't it a fact that those pens that were set up in
13 Uniondale were used after that date as well?

14 A. We didn't set up pens in Uniondale. They were -- there
15 was a barrier and they were on the chains.

16 Q. Well, there was more than one open house, wasn't there?

17 A. I suppose there's one every day that we had a show,
18 there would be an open house.

19 Q. After Uniondale -- that wasn't the only time that
20 occurred, isn't that true?

21 A. It was the only time we called it an open house. After
22 that we -- we did have -- we kind of started this thing, which
23 I believe after I left became the pre-show, but yes, we would
24 have -- at times there would be pens. We got the -- we got
25 the electric fence later on in the tour, and that is when we

1 would put them up -- it just depended on the location. We put
2 them up more frequently towards the end.

3 Q. Let me show you Page 25 of that same deposition,
4 the 2006 transcript, at Line 14. And the question was: And
5 how often did you observe elephants on the chains when you
6 worked at the circus? Answer: The majority of the time I was
7 there. Towards the end, around New York City, Long Island,
8 Nassau Coliseum, we had our first open house that we ever had,
9 and we had pens after that. We started putting them in pens
10 periodically, depending on the situation we were in and where
11 we were in. I would probably say the first year they were on
12 chains 99 percent of the time. The second year we were out we
13 started putting them in pens on just rare occasions. But I
14 can remember we had them on pens in -- we had them in winter
15 quarters, we had the pens outside. It was very rare that we
16 had these pens. I would have to look at a route card to be
17 able to pinpoint the --

18 And I objected. Is that -- did I read that
19 correctly, sir?

20 A. Yes, sir.

21 Q. You don't know how long the elephants were in pens
22 either on your day off or when you weren't there, isn't that
23 correct?

24 A. Oh, yes, sir.

25 Q. And you don't know how many hours per day the elephants

1 on the Blue Unit currently spend in the electric pens, do you?

2 A. No, sir.

3 Q. You had an opportunity to observe it, though, haven't
4 you?

5 A. I've seen some occasions when they've had pens.

6 Q. But you have never spent, watching the pen situation at
7 the Blue Unit -- you've never spent 24 consecutive hours
8 watching to see how long the elephants are in the pens, have
9 you?

10 A. No, sir.

11 Q. When you were on the Blue Unit, sir, during the time in
12 which the circus was in transit, you rode in the stock cars,
13 didn't you?

14 A. Yes.

15 Q. During your shift?

16 A. Yes, sir.

17 Q. And you took that shift at the midday water stop, isn't
18 that right?

19 A. Yes, sir.

20 Q. And when you were in the stock cars you didn't have
21 much time, free time on your hands, because there was a lot of
22 things to do taking care of the elephants, isn't that right?

23 A. Well, there was free time, too. It wasn't constant.

24 Q. But you had a lot of things to do?

25 A. Yeah, there was a lot of things.

1 Q. Elephants were tethered when they were in those train
2 cards, weren't they?

3 A. They were chained.

4 Q. But they could lie down, couldn't they?

5 A. Some of them.

6 Q. And they often did, didn't they?

7 A. Yes.

8 Q. In fact Rebecca the elephant laid down almost all the
9 time, didn't she?

10 A. Yes, sir.

11 Q. And you had to climb over her to get to the other
12 elephants, didn't you?

13 A. Yes.

14 Q. Now, these elephants in the train cars did not stand in
15 their own waste, did they, Mr. Rider?

16 A. Some of the time, yes.

17 Q. But most of the time they didn't, did they?

18 A. The English, yes, they stood in it all the time,
19 because of the floor was oozing this black ooze out, and we
20 couldn't do anything. The other ones, they would stand in it
21 until we were able to clean it out, depending on where we
22 were.

23 Q. Isn't it true that the rail cars in the '97-'99
24 timeframe when you were there had holes in the bottom for the
25 urine to drain through?

1 A. There were holes, yes.

2 Q. Urine drained through it, didn't it?

3 A. On occasion.

4 Q. And when the urine didn't drain through, you threw
5 sawdust on it and swept up the sawdust, didn't you?

6 A. Sometimes it was sawdust, sometimes we just swept it
7 out.

8 Q. But that was your job, wasn't it?

9 A. Yes, sir.

10 Q. It didn't drain through, it was Tom Rider's job to get
11 rid of the urine, isn't that right?

12 A. Yes.

13 Q. You did that as well for the ooze that you say the
14 English elephants stood in, isn't that true?

15 A. No, sir.

16 Q. You threw sawdust on that and swept that up too, didn't
17 you?

18 A. We tried to do it but it kept coming back. It was a
19 lot of ooze there. I mean, it -- you could put sawdust and it
20 would just start getting worse, I mean, it was ooze under
21 there.

22 Q. But you tried to clean it up, didn't you?

23 A. We tried the best we could.

24 Q. Is it your testimony that that broken spot in the floor
25 was never fixed?

1 A. Yes, that's my testimony, it was never fixed.

2 Q. As long as you were there it wasn't fixed, correct?

3 A. Yes.

4 Q. But you don't know whether the train car currently
5 carrying the elephants has such a spot, do you?

6 A. No, sir, I don't.

7 Q. And with respect to the elephants' solid waste, the
8 procedure was to sweep it into a pile and shove it out the
9 door, isn't that true?

10 A. If we were not in a populated section, yes, that's
11 true.

12 Q. And you did that, did you not?

13 A. Yes.

14 Q. And you did that every time they went, did you not?

15 A. We would do it on like every 30, 45 minutes, we'd walk
16 through the cars and -- we didn't just stand there and wait
17 for them to go and then shove it out the door.

18 Q. But you did it at least 15 or 20 times during your
19 shift, didn't you?

20 A. Yeah, I'd say 15, 20 times, sure.

21 Q. Because the elephants went a lot and you took care of
22 it, didn't you?

23 A. Yes.

24 Q. Now, today, don't you know, because you've seen it,
25 that instead of shoving it out the door, the circus people

1 sweep it into a bag and hold onto the bag until they get to
2 the station and then dump it in a dumpster? You've seen that,
3 haven't you?

4 A. No, sir.

5 Q. You've taken a film of that, haven't you?

6 A. I might have. I don't remember taking film of that
7 being in bags.

8 Q. Well, do you recall making a video in San Diego,
9 California in 2006?

10 A. Oh, I do recall the bags there, yes, sir, and I --

11 Q. Well, let me, just so we're clear, let me show you
12 Defendant's Exhibit 30, as to which there is no objection, at
13 counter 9:42 to 10 minutes.

14 (Video played).

15 Q. That is your voice, isn't that right, Mr. Rider?

16 A. Yes.

17 Q. You made this film, correct?

18 A. Yes.

19 Q. These bags in the doorway here, these plastic bags are
20 full of manure, aren't they?

21 A. I didn't go up and check.

22 Q. If they are not full of manure, what are they full of?

23 A. I suppose they are full of manure. I don't know.

24 Q. That is your assumption?

25 A. Yeah, that would be an assumption, because I never went

1 and checked them.

2 Q. And isn't it your basic problem with the rail car, in
3 terms of your position as a plaintiff in this case, is that at
4 the time that you were there, there were too many elephants
5 riding in the car?

6 A. There was a lot of elephants in the car.

7 Q. But isn't that your basic problem with the train car
8 conditions as a plaintiff in this case?

9 A. My problem is with the ooze coming out of the floor,
10 them being chained up all the time on a train car, yeah,
11 that's my problem with it.

12 Q. Well, didn't you tell the lawyer at PAWS in March of
13 2000 that the basic problem was that there were too many
14 elephants in the train car, and what the company needed to do
15 was reduce the number of elephants in each car?

16 A. Yes, sir.

17 Q. And that's in fact happened, hasn't it?

18 A. I don't know. I mean, we started out with 14
19 elephants.

20 Q. Do you know how many elephants ride in the Blue Unit
21 train cars today, per car?

22 A. No, sir, because I don't know how many you have.

23 Q. Do you know how many ride in the car with Karen and
24 Nicole?

25 A. Now?

1 Q. Yes.

2 A. No, sir.

3 Q. Now, you've never been to the CEC so you don't really
4 have any personal information, do you, about how Jewell and
5 Lutzi and Mysore and Susan are tethered, do you?

6 A. No, sir.

7 Q. And you don't have any way, do you, to lawfully gain
8 access to the CEC?

9 A. No, sir.

10 Q. You're not on anybody's invitation list, are you?

11 A. No, I don't believe so.

12 Q. As far as you know, you can't just show up there and go
13 in, true?

14 A. True, obviously.

15 Q. And would that be the same with respect to the
16 company's or the defendant's facility in Williston, Florida?

17 A. Yes, sir.

18 Q. You don't have any access to that facility either, do
19 you?

20 A. No, sir.

21 Q. It's your view, sir, is it not, that circus elephants
22 should never be chained?

23 A. No, they should never be chained.

24 Q. Never?

25 A. Never, except for veterinarian care.

1 Q. Except for veterinary care?

2 A. Sure.

3 Q. Let me show you Page 246 of your 2006 deposition, Line
4 12. Question: Is it your view that there are no
5 circumstances in which a circus elephant is appropriately
6 chained? Answer: Is there any time I think a circus elephant
7 should be chained? Question: Yes. Answer: Never.
8 Question: Why is that? Answer: They shouldn't be chained at
9 all.

10 You didn't say anything about veterinary care
11 there, did you?

12 A. Well, no, sir.

13 Q. You want to amend that now? Is that your testimony?

14 A. No, I'll leave it at that, I don't think they should
15 ever be chained, but obviously there are certain conditions
16 where an elephant might have to be chained.

17 Q. Although you didn't say that when you were asked that
18 question two years --

19 A. No, I didn't say it then.

20 Q. They shouldn't in your view be chained while they're
21 sleeping, isn't that correct?

22 A. Excuse me?

23 Q. They should not be chained while they are sleeping?

24 A. No, they shouldn't be chained.

25 Q. It is your view that they should not be chained while

1 they are eating, correct?

2 A. Yes.

3 Q. It's correct?

4 A. They should not be chained.

5 Q. And you believe that they should not be chained while
6 they are being watered, isn't that true?

7 A. True.

8 Q. In fact you think they should be transported without
9 being restrained at all, isn't that true?

10 A. Yes.

11 Q. You think that's entirely safe?

12 A. Yes.

13 Q. Now, when you were at the Blue Unit in '97 and '98 you
14 observed elephants when they were on the picket line during
15 your shift, correct?

16 A. Yes.

17 Q. You testified I think in your direct that they swayed,
18 is that right?

19 A. Yes, sir.

20 Q. And they swayed all the time, correct?

21 A. Yes.

22 Q. And all the elephants swayed the same way, is that your
23 testimony?

24 A. Well, no, sir, they swayed. They could be going a
25 different direction. They weren't in unison.

1 Q. Well, they all swayed after they ate, isn't that true?

2 A. Yes.

3 Q. And they stopped swaying when you threw food down,
4 isn't that right?

5 A. If they were eating.

6 Q. But you testified in your deposition that they all
7 swayed the same way, isn't that right?

8 A. Well, yes, they all sway.

9 Q. They all swayed the same way, isn't that what you told
10 me?

11 A. Well, yes, sir.

12 Q. And --

13 A. But not in unison.

14 Q. Well, that is not -- let's look at --

15 A. Okay.

16 Q. Let's look at Page 649 -- excuse me, 647, Line 20 of
17 your 2007 deposition. And this goes through 650 at Line 7.
18 And we have the video part of this deposition. So again for
19 the record it's Page 647, Line 20, through Page 650, Line 7.

20 (Video played).

21 Q. Mr. Rider, at the time that you gave that testimony, on
22 December 19, 2007, you had not viewed the inspection video
23 that was made in this case, had you?

24 A. No, sir. I don't know when the inspection took place.

25 Q. You understood at the time you were deposed that there

1 had been an inspection of these elephants, correct?

2 A. Yes, sir.

3 Q. But you -- and a video had been made?

4 A. Yes, sir.

5 Q. But at that point in time you had not viewed that
6 video, had you, when you were deposed?

7 A. I don't -- I viewed it but I don't know if it was
8 before or after. I'm not sure which.

9 Q. And you have since looked at that video, isn't that
10 true?

11 A. I looked at it one time.

12 Q. Isn't it true that when Karen and Nicole were tethered
13 at the Auburn Hills venue, in that tent, that Karen swayed and
14 Nicole didn't sway at all?

15 A. I don't remember seeing that.

16 Q. Let me turn your attention, sir, to Plaintiffs' Exhibit
17 143A, which is in evidence, the part being 4:46 to 4:48, which
18 was played in the direct testimony of Dr. Hart.

19 (Video played).

20 Q. You can't really tell me today which of the elephants
21 on the Blue Unit swayed the most, can you?

22 A. Which ones swayed the most?

23 Q. Yes.

24 A. No, I would -- because they all swayed, so I didn't sit
25 there with a clock and time which ones swayed more than the

1 other.

2 THE COURT: The elephant on the right, was the
3 elephant asleep?

4 THE WITNESS: It sure looked like it, Your Honor.

5 THE COURT: Because she's standing still?

6 THE WITNESS: She's perfectly still, and even her
7 tail, there was no part of her moving, and they will sleep
8 standing up like that.

9 THE COURT: This is not unusual?

10 THE WITNESS: No, we see that a lot. Sometimes
11 you'd be standing there talking to her and she'd be sound
12 asleep.

13 BY MR. SIMPSON:

14 Q. But you watched this entire video, did you not, not
15 just the two minutes that have been played here today?

16 A. I'm not sure if I watched -- I can't say. Was this the
17 one where they are on the train? It's Auburn Hills?

18 Q. This is at Auburn Hills.

19 A. I believe I watched most of that.

20 Q. There were times on this video, that same scene, the
21 tethered scene, when the elephant on the right was wide awake,
22 isn't that true?

23 A. I don't remember that. As I said, that was a very long
24 tape.

25 Q. There were times when she was wide awake and she was

1 eating and she was having apples and she was not swaying at
2 all, isn't that right?

3 A. When she was eating, probably not.

4 Q. And when she was not eating, she was just standing
5 there, isn't that true?

6 A. I don't remember that.

7 Q. Is it your testimony, sir, that if in fact the elephant
8 on that film is Nicole, that what that film shows is totally
9 inconsistent with what you say you saw when you worked at the
10 company in '97, '99?

11 A. No, it's very consistent. If the one on the left is
12 swaying and she's asleep, that would be consistent.

13 Q. What if she's not asleep?

14 A. If she's not asleep she would probably be swaying.

15 Q. She would be swaying?

16 A. If not eating or -- because we usually kept hay in
17 front of them.

18 Q. So if she's awake she'd be swaying, correct?

19 A. Probably.

20 Q. Without exception, isn't that true?

21 A. That's an assumption. I can't make that assumption.

22 Q. Based on your observation of the elephant Nicole, she
23 would have been swaying if she was tied up and awake, isn't
24 that correct?

25 A. And nothing to eat, probably so, she would be swaying.

1 Q. Now, with respect to the elephants that you've
2 identified in this case as the ones you have an attachment to,
3 you discussed in your direct testimony the personality of the
4 elephant Karen. Do you recall that? And Karen is an
5 elephant, sir, that you don't really like, isn't that right?

6 A. Oh, no, I love Karen. It's just Karen was a -- she was
7 like a -- she had her own personality. She was -- only
8 certain people could go around her, you know. And like I
9 said, she trapped me in the bathroom in Boston. So, you know,
10 Karen is not an elephant you just walk up to.

11 Q. Karen, however, is an elephant that you have described
12 as a killer, isn't that true?

13 A. Uh-huh.

14 Q. You have said that she would kill you, Tom Rider, if
15 she had a chance, isn't that right?

16 A. She could.

17 Q. And she's an elephant that you've referred to as a
18 bitch, isn't that right?

19 A. Not in a derogatory sense. Just like, yeah, I mean
20 that's a loving term to me. I've called them -- that is --
21 it's not a derogatory term to me.

22 Q. Do you recall making -- that same film where you made a
23 video of the bags of poop, do you recall also making a video
24 of the elephant Karen?

25 A. Yes, I do.

1 Q. You called her a bitch, did you not?

2 A. Yes.

3 Q. It wasn't in loving terms, was it?

4 A. It was not a derogatory term. I didn't say, you
5 know -- I wouldn't use rough language. I did call her -- it's
6 like, bitch, nice, it was -- I was thinking of the time in
7 Boston when it happened.

8 Q. So you called her a nice bitch, is that your testimony?

9 A. No, I called her a bitch.

10 Q. Well, let me refer you to that tape, sir, Defendants'
11 Exhibit 30, at counter 16:45 to 16:55.

12 (Video played).

13 Q. So your testimony, sir, was that that was a compliment
14 you were giving that elephant?

15 A. Yes, I mean it was not a derogatory term. I called my
16 daughter that.

17 Q. You call your daughters a bitch?

18 A. Oh, yeah.

19 Q. They don't take offense to it?

20 A. No.

21 Q. Now, in that same film, didn't you also go up and look
22 at the window where Nicole was riding?

23 A. I wasn't sure if it was Nicole, but I was talking to
24 her, yes.

25 Q. And how close were you to this train?

1 A. Oh, we could have reached out and touched it. We never
2 got off the sidewalk.

3 Q. You still couldn't identify her even being that close,
4 isn't that true?

5 A. Well, I was just talking and letting her understand my
6 voice.

7 Q. Well, let me refer you to that same film, at counter
8 8:59 to 9:28. This again is Defendant's Exhibit 30.

9 (Video played).

10 Q. You couldn't really tell, even being that close?

11 A. No, sir, they weren't on the picket line.

12 Q. Now, in that same video, sir, didn't you the next day
13 film the animal walk?

14 A. Yes, sir.

15 Q. And there was no hooking or hitting of the elephants
16 during that entire animal walk, isn't that true?

17 A. I didn't do the entire animal walk.

18 Q. But the part that you filmed showed no use of the bull
19 hook on any of these elephants by any of the animal handlers,
20 isn't that right?

21 A. I think so.

22 Q. Isn't it also a fact that the Humane Society of San
23 Diego participated in that animal walk?

24 A. I'm not sure if they participated in it. They were
25 called out there.

1 Q. They were right in the middle of it, sir, and they
2 could have arrested anybody that they saw that was engaged in
3 animal abuse, isn't that a fact?

4 A. I don't believe they would have.

5 Q. Let me run that same exhibit, at counter 21:17 to
6 22:58. This again is Exhibit 30. Defendant's Exhibit 30.

7 (Video played).

8 Q. Is that Mr. Ridley?

9 A. Yes, sir.

10 Q. Do you recognize the elephants?

11 A. I just -- I would assume the first one is Karen because
12 usually Robert -- or Sonny is walking with Karen, but that's
13 only an assumption.

14 Q. You don't know for a fact?

15 A. No, sir.

16 Q. But you made this film?

17 A. Yes, sir.

18 (Video played).

19 Q. Is that you?

20 A. Yes, sir.

21 Q. And that's the San Diego Humane Society, the SPCA, that
22 is their truck right there in that --

23 A. Yes.

24 Q. You filmed that, correct?

25 A. Yes.

1 Q. Have you ever touched the elephant Karen?

2 A. I recall there was one time when I was taken up and
3 touched Karen, but that was only once.

4 Q. But you testified under oath in 2000 that you never
5 touched Karen because she didn't like you, isn't that true?

6 A. Right, because I just -- I mean, I remember the very
7 one time that somebody said touch her.

8 Q. Well, let's -- I want to refer you to Defendant's
9 Exhibit 33, which was a statement you gave under oath to
10 Sharon Sims in Galt, California, at Page 102, Lines 1 through
11 8.

12 (Video played).

13 Q. And that statement was made under oath, isn't that
14 true?

15 A. Yes.

16 Q. And it wasn't true, was it?

17 A. Well, it wasn't true because I remember now the one
18 time when I was taken up and told to touch her.

19 Q. But you're remembering that now in 2009, 10 years after
20 the fact, correct?

21 A. Yes, because it was only one -- it wasn't like I
22 normally would handle and be around the elephants, it was one
23 time when I was told to touch her.

24 Q. That statement that you gave in Galt, California was
25 made in March 2000, three months after you left the employment

1 of Ringling Brothers, correct?

2 A. Uh-huh.

3 Q. You also described Karen as a dangerous elephant to the
4 Congress when you testified in front of Congress, didn't you?

5 A. Yes, sir.

6 Q. In an effort to get a bill passed that would have
7 banned elephants in a traveling show, isn't that right?

8 A. Yes.

9 Q. You didn't mention to Congress that Karen was perfectly
10 fine as long as people that were around her were with her with
11 her handlers, isn't that true? You didn't tell them that?

12 A. No, sir.

13 Q. Why was it -- why didn't you mention that?

14 A. Well, I don't know that Karen would be perfectly fine
15 with just anybody around her.

16 Q. Let me show you, sir, your 2006 deposition at Page 274,
17 Line 7. Question: During the 2-1/2 year time period in which
18 you worked for Ringling Brothers did you ever touch Karen?

19 Answer: Yes, sir. Question: Where did you touch her?

20 Answer: On the trunk. Question: Is it your testimony that

21 Karen is a dangerous elephant? Answer: Yes. And would

22 strike down a stranger? Answer: Yes. Question: That comes

23 into her space? Answer: Yes. Question: So if, based on

24 what you know about Karen, if someone were to approach her

25 from the front, total stranger such as me, John Simpson, the

1 lawyer, and pats her on the trunk, she would knock me down?

2 Answer: I don't think you would get to the trunk. Question:

3 She would just -- she would stomp me before I got there?

4 Answer: No, no, she would swing at you. Question: With her

5 trunk? Answer: Right. Question: Knock me down? Answer:

6 Yes. Question: Would it be your expectation that she would

7 try to kill me? Answer: If you went up to Karen by yourself

8 with no handler, nobody from Ringling Brothers with you, walk

9 straight up to Karen, my opinion is, yes, she would attempt to

10 take your life. Question: But it would be different if she

11 was with a handler, correct? Answer: A handler that knew

12 her, yes.

13 Did I read that correctly?

14 A. Yes.

15 Q. And you didn't put that part in your testimony to

16 Congress, did you?

17 A. No, sir. I only had five minutes.

18 Q. Well, let me show you Defendant's Exhibit 34. Do you

19 recognize this as the testimony you delivered to Congress in

20 or about June of 2000? Do you want to blow that up, sir?

21 A. Well, yes, that's it.

22 Q. And when you appeared before this Congressional

23 committee, you were under oath, isn't that true?

24 A. I believe so.

25 Q. And you read this statement that is on the screen as

1 Defendant's Exhibit 34 into the record, didn't you?

2 A. Yes, sir.

3 Q. Let me refer you down to the paragraph labeled -- or
4 beginning: We had an elephant named Karen.

5 We had an elephant named Karen who was labeled
6 killer, she was kept on the road performing because she was a
7 good performing elephant. Although she was the most dangerous
8 elephant in the group, she's the one they use in the three
9 ring adventure where the public is allowed to stand around the
10 elephant with no safety net or other protection around her.
11 Karen had a habit of knocking anyone down -- or excuse me,
12 knocking anyone who came into range, slamming them into the
13 ground, yet they allowed her to have contact with the
14 audience.

15 And in this paragraph you didn't make any mention
16 of the fact that she might not do that, in fact wouldn't do
17 that, if her handler was present, isn't that true?

18 A. Yes, sir.

19 Q. You didn't think that was an important detail to let
20 Congress know about?

21 A. No, sir.

22 Q. Now let me refer you, sir, to the complaint in this
23 case, the 9/26/03 complaint in this case, paragraph 18. The
24 allegation is made here, sir, in the second sentence: Mr.
25 Rider spent many hours with the elephants and knows all of the

1 elephants he worked with by name. Is that a true statement?

2 A. That's not what -- hang on.

3 Q. What I just read?

4 A. Yes.

5 Q. But that's not in fact the case, is it?

6 A. Yes, sir, I know all the elephants by name on the
7 picket line.

8 Q. You've memorized their names, isn't that the case?

9 A. They are always in the same order.

10 Q. You can't really recall their names without really
11 struggling to do so, isn't that true?

12 A. No, sir, I can recall them.

13 Q. And on many occasions when you have been asked you
14 can't do it, isn't that right? Without great difficulty?

15 A. No, sir.

16 Q. And sometimes you leave out names, isn't that true?

17 A. Well, I have on occasion, I left Roma out, because she
18 wasn't there very long.

19 Q. You've left others out, too, haven't you?

20 A. I believe one time I left Zina out.

21 Q. Let me refer you to your answer to Interrogatory Number
22 16, which is Defendant's Exhibit 16 at Page 32. And the
23 answer -- the question was: Describe the extent and nature of
24 your contact with each and every elephant with which you
25 worked while you worked for the defendants, including the

1 dates that you worked with that elephant.

2 And then your answer is -- and this is your 2004
3 answer to this interrogatory, sir: From June 3, 1997 until
4 November 25, 1999, I worked each and every day or traveled on
5 the train with the elephants unless I had a day off. I worked
6 with the following elephants: Roma, who in the beginning
7 worked all the way until we played the Superdome in New
8 Orleans, LA, and then they took her down to Florida. Nicole,
9 Mysore, Karen, Sophie, Jewell, Rebecca, Lutzi, Susan, Zina,
10 Camella, Lecheme and Minnie.

11 Have I read that correctly?

12 A. Yes, sir.

13 Q. In this list you left out the elephant Meena, did you
14 not?

15 A. Which one? Excuse me.

16 Q. Meena.

17 A. Oh, yes, I did.

18 Q. And Meena was one of the Chipperfield elephants, isn't
19 that true?

20 A. Yes, it was.

21 Q. And Meena was an elephant you were just as attached to
22 as the others?

23 A. Yes, I was.

24 Q. She was also one of your girls, correct?

25 A. Yes, sir.

1 Q. And when you were asked this question again two years
2 later, in 2006, in your deposition, you left another elephant
3 out, isn't that right?

4 A. I guess. I don't know.

5 Q. Let's refer to your 2006 deposition at Page 10, Line
6 22. This is a question from your lawyer: And do you remember
7 the names of the elephants that you worked with? Answer:
8 Yes. Question: Can you tell me what they were? Answer:
9 Meena, Lecheme, Camella, Susan, Lutzi, Rebecca, Jewell,
10 Sophie, Karen, Minnie, Mysore, Nicole and Roma, but Roma was
11 not there too long.

12 Did I read that correctly, sir?

13 A. Yes.

14 Q. You left Zina out, isn't that true?

15 A. Yes, sir.

16 Q. And then when I asked you this question a year after
17 that, in your 2007 deposition, you had to really struggle to
18 come up with these names, didn't you?

19 A. Well, sir, yes, sir.

20 Q. Well, let's look at that. And I'm referring to Page
21 270, Line 14, to 271, Line 9.

22 This is a video clip of your deposition.

23 (Video played).

24 Q. Now, you testified in your deposition that your
25 attachment to the Red Unit elephants is just as strong as your

1 attachment to the Blue Unit elephants, isn't that true?

2 A. Yes, sir.

3 Q. And you never worked on the Red Unit, did you?

4 A. No, sir.

5 Q. You never worked with any of the Red Unit elephants,
6 did you?

7 A. No, sir.

8 Q. And you never, when you worked for Ringling Brothers,
9 you never witnessed any mistreatment of any Red Unit elephant,
10 did you?

11 A. No, sir.

12 Q. The elephant Sophie was one of your girls, isn't that
13 correct?

14 A. Yes, sir.

15 Q. And your attachment to Sophie was just as strong as
16 your attachment to any of these other elephants, isn't that
17 right?

18 A. Yes.

19 Q. Sophie is now in a zoo in Illinois, isn't that true?

20 A. Yes, sir.

21 Q. When I took your deposition, or when your deposition
22 was taken in 2006, October of 2006, you had not gone to see
23 Sophie, had you?

24 A. No, sir, I didn't know she was there.

25 Q. But after your deposition you did go to see her, didn't

1 you?

2 A. Yes.

3 Q. And when I asked that question in your deposition,
4 whether you had seen Sophie, and your answer was no, there was
5 no discussion about where she was, was there?

6 A. No, I believe I had already found out where she was.

7 Q. How did you find out where she was?

8 A. Somebody, I don't know who, but somebody told me that
9 she was in a zoo.

10 Q. And you hadn't seen this elephant since when, 1999?

11 A. Yes, sir.

12 Q. And when you went to this zoo you observed her standing
13 on a concrete, blacktop and rock surface, isn't that true?

14 A. I believe it was all blacktop, yes, there is concrete
15 inside. I don't remember the rocks.

16 Q. But she was -- there was a dirt surface for her to
17 stand on outside, correct?

18 A. No, I believe it was pavement.

19 Q. The whole enclosure was pavement?

20 A. I believe so.

21 Q. And this zoo in Illinois is in a relatively cold
22 climate, isn't that right?

23 A. Yes, sir.

24 Q. And it's your understanding when you made this visit to
25 the zoo that this institution uses the bull hook, isn't that

1 right?

2 A. Yes, sir.

3 Q. And that they chain Sophie at night, isn't that true?

4 A. I believe so.

5 Q. Did you suffer an aesthetic injury when you visited
6 Sophie?

7 A. Yes.

8 Q. Have you sent that zoo a 60-day notice letter?

9 A. No.

10 Q. Are you going to sue them for taking Sophie?

11 A. No.

12 Q. Why not?

13 A. She's -- I feel she's in the zoo. I still suffer but,
14 you know, she's there, she's not at the circus.

15 Q. Is it your testimony that she's better off in that zoo
16 than she is in the circus?

17 A. She's better off in the wild.

18 Q. Is it your testimony that she's better off in the zoo
19 in Illinois than she is with the Ringling Brothers circus?

20 A. Yes.

21 Q. Have you sought a job with this zoo so you could work
22 with Sophie?

23 A. No, I haven't.

24 Q. Have you sought to volunteer your time with this zoo so
25 you can be around Sophie?

1 A. No, I haven't.

2 Q. This visit that you made to see Sophie is part of the
3 media work that you're doing, isn't that true?

4 A. Yes, sir.

5 Q. Since the time you visited Sophie after your
6 deposition, have you been back to see her?

7 A. I attempted to go there this last year, but a snowstorm
8 prevented me from doing it.

9 Q. So once in the last -- once during the time period
10 since 2000 -- excuse me. You've been to see Sophie one time
11 since October of 2006, is that correct?

12 A. Yes, sir.

13 Q. And isn't it also a fact that you have relatives that
14 live in the vicinity of this zoo?

15 A. No, sir.

16 Q. Don't you have a daughter that lives in Washington,
17 Illinois?

18 A. That is not -- that is like a hundred miles away.

19 Q. How far away?

20 A. Over a hundred miles.

21 Q. It's straight up I-74, isn't it?

22 A. Yes.

23 Q. Did you go see Sophie on her birthday?

24 A. No, sir.

25 Q. Do you know when her birthday is?

1 A. No, sir.

2 Q. Do you know if she lives with another elephant?

3 A. Yes, sir.

4 Q. Do you know where that elephant came from?

5 A. I was told Ringling.

6 Q. It's another Ringling Brothers elephant, isn't it?

7 A. Yes, I guess.

8 Q. That is your unsustaining?

9 A. That is what I was told, yes.

10 Q. Two of the elephants, sir, that were on the Blue Unit
11 that were there when you were there were named Rebecca and
12 Minnie. Do you recall those two?

13 A. Yes.

14 Q. Those were also two of your girls, isn't that correct?

15 A. Yes, sir.

16 Q. And your attachment to Rebecca and Minnie was just as
17 strong as your attachment to the others, isn't that right?

18 A. Yes.

19 Q. Rebecca and Minnie were both sent to the sanctuary at
20 PAWS, isn't that right?

21 A. Yes.

22 Q. They were sent out there sometime in 2001, 2002, isn't
23 that true?

24 A. I don't know.

25 Q. You knew in 2002 that Rebecca was at PAWS, isn't that

1 right?

2 A. I don't know when she arrived there, but I found out
3 when she arrived. I mean I knew -- I don't know what year it
4 was.

5 Q. Let me refresh -- see if I can refresh your
6 recollection by referring to the lecture you gave to that
7 group of students in Carbondale, Illinois, and this is
8 beginning at date stamp 4:52:47 through 4:53.

9 (Video played).

10 Q. So you knew as of this date, did you not, sir, that
11 Rebecca was with the sanctuary?

12 A. Yes.

13 Q. That sanctuary was PAWS, correct?

14 A. Yes.

15 Q. And Minnie went to the same place, isn't that true?

16 A. Yes, sir.

17 Q. And at the time that your deposition was taken, in
18 October of 2006, you had not made any efforts to go see either
19 of these two elephants, isn't that true?

20 A. That's true.

21 Q. And when your deposition was taken in December of 2007
22 you still had not gone to see either of these two elephants,
23 isn't that right?

24 A. Yes, sir.

25 Q. As far as you're concerned, no one has told you that

1 you can't go out and see them, isn't that right?

2 A. Nobody has told me I can't go see them.

3 Q. As far as you're concerned, as far as you know, you're
4 welcome to go to PAWS and look at them, isn't that true?

5 A. I can't say that. I don't know that.

6 Q. Let me refer you to your 2006 deposition at Page 298,
7 Line 5. This was a question by your lawyer in redirect during
8 this deposition. Question: And you mentioned in response to
9 a question from Mr. Simpson an elephant named Rebecca. Why
10 haven't you gone to see Rebecca? Answer: Rebecca is on a
11 sanctuary and doesn't need me to go see her. She's living her
12 life in a sanctuary as far as I know. Question: Whose
13 sanctuary is it? Answer: I believe it is PAWS in California.
14 Question: And are you welcome to come to PAWS? Answer: As
15 far as I know. I have never been told not to come to PAWS.

16 Did I read that correctly, sir?

17 A. Yes.

18 Q. Have you sought a job with PAWS to work with these
19 elephants?

20 A. No, sir.

21 Q. Have you sought to volunteer your time with PAWS to
22 work with these elephants?

23 A. No, sir.

24 Q. Do you know how Minnie is doing?

25 A. Minnie passed away.

1 Q. How did you find that out?

2 A. I believe that my attorney called or -- oh, I found it
3 out through Tracy Silverman.

4 Q. How is Rebecca doing, do you know?

5 A. I suppose she's probably pretty sad right now.

6 Q. Have you made any efforts to contribute money in memory
7 of Minnie?

8 A. No, sir.

9 Q. Did you know that you could adopt Rebecca for \$200 a
10 year?

11 A. No, sir.

12 Q. Have you gone onto the website at PAWS to look at these
13 animals, look at pictures of them?

14 A. Yes.

15 Q. Did you see the part that said you can donate \$200 to
16 the memory of Minnie?

17 A. No, sir, I didn't see that part.

18 Q. Did you see the part that said you could adopt Rebecca
19 for \$200 a year?

20 A. No.

21 Q. Now, you indicated, or we covered briefly earlier in
22 your cross the fact that there was an inspection of the
23 elephants at issue in this case by your lawyers. Do you
24 recall that?

25 A. Yes, sir.

1 Q. And there was an inspection of both Karen and Nicole on
2 the Blue Unit at the venue in Auburn Hills, correct?

3 A. Yes, sir.

4 Q. And then there was an inspection of Jewell, Lutzi,
5 Mysore, Susan and Zina at the CEC, correct?

6 A. Yes, sir.

7 Q. And you knew before both of those inspections took
8 place that they were going to take place, correct?

9 A. Yes, sir.

10 Q. And you did not go to either one, did you?

11 A. No, sir.

12 Q. The Chipperfield elephants, Camella, Lecheme and Meena,
13 were three of your girls, correct?

14 A. Yes.

15 Q. These were the ones that you really had a close
16 attachment to, isn't that right?

17 A. Yes, sir.

18 Q. And after your job with Mr. Raffo ended, you made no
19 efforts to find out where these elephants went, did you?

20 A. Only from someone telling me that they went to a zoo.

21 Q. But you, Tom Rider, made no affirmative effort to find
22 out what happened to them, did you?

23 A. No.

24 Q. Now, you indicated in your direct that you had
25 communicated your concerns about how the elephants were being

1 treated at Ringling Brothers to the United States Department
2 of Agriculture. Do you remember that testimony?

3 A. Yes, sir.

4 Q. And you met with a USDA investigator, is that correct?

5 A. Yes.

6 Q. Her name was Diane Ward, correct?

7 A. Yes, sir.

8 Q. And you gave Diane Ward a sworn statement, isn't that
9 right?

10 A. Yes, sir.

11 Q. And she worked with you over a period of several days,
12 isn't that true?

13 A. I believe so.

14 Q. And you also provided that agency with videotapes,
15 isn't that right?

16 A. I don't remember that. I don't remember giving them --
17 I don't remember giving Diane Ward videotape.

18 Q. Let me see if I can refresh your recollection.

19 A. Okay.

20 Q. And I want to refer you again to that same lecture you
21 gave in Carbondale, Illinois, September 2002, and this segment
22 is at 5:31:27, and it goes through 5:32:11.

23 (Video played).

24 Q. You did in fact give the USDA videotapes, did you not?

25 A. Not to Diane Ward. At a later time, yes.

1 Q. And that included the videotape of Mr. Ridley, didn't
2 it?

3 A. I believe so.

4 Q. And you testified when you were asked in your
5 deposition in 2006 that you had never gotten a response from
6 the USDA, isn't that correct?

7 A. Yes, sir.

8 Q. And that's not in fact true, is it?

9 A. I never got a response that I know of.

10 Q. Well, in fact, sir, didn't they get back to you and say
11 Ringling Brothers had done nothing wrong?

12 A. They never told me that.

13 Q. I want to refer you, sir, to that same lecture in
14 Carbondale, Illinois, the same videotape. And this runs from
15 5:29:19 through 5:29:54.

16 (Video played).

17 THE COURT: We're going to take a 15-minute recess.
18 We've been taking testimony for over an hour and a half. I
19 want you to help me with this.

20 I said we'll take a 15-minute recess. Before we do
21 that, Mr. Rider, you have to help me with your own testimony.
22 You said Karen hated you, right?

23 THE WITNESS: Well, yes, sir.

24 THE COURT: And she would have tried to kill you,
25 right?

1 THE WITNESS: If you just walked up to her for no
2 reason.

3 THE COURT: But in your words you called her a
4 bitch affectionately, and then you said like you would call
5 your daughters, right?

6 THE WITNESS: Yes.

7 THE COURT: Help me understand all of that.

8 THE WITNESS: Well, it's -- you know, it's like
9 somebody -- if I would have used the F-word prior to that, to
10 me that would be a nasty way of saying it. But to just say
11 the word bitch is -- I mean, I've called my daughter that, and
12 it's like if she does something, I go bitch. It's kind of
13 a -- it's not the same as if you're putting a derogatory or a
14 four-letter or six-letter, whatever word in front of it. I'm
15 just saying the word bitch. In other words, when I said that
16 by the train I was thinking of the incident where she blocked
17 me in the toilet for 15 minutes and I couldn't get her out.

18 That's what was in my mind, and I just calmly said
19 bitch. It was not -- I wasn't mad at her or something like
20 that where -- that's a difference in the terminology that I
21 would use. But yeah, I've called all my daughters that. Just
22 out of affection, it's not a derogatory.

23 THE COURT: All right. On that note, we'll take a
24 15-minute recess. We'll start back at 2:45.

25 COURT ADJOURNED AT 2:30 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.

Lisa M. Hand, RPR

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