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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN SOCIETY FOR THE Docket No. 03-2006  
PREVENTION OF CRUELTY  
TO ANIMALS, ET AL,  
Plaintiffs,  
v. Washington, D.C.  
February 12, 2009  
2:40 p.m.  
FELD ENTERTAINMENT, INC., PM SESSION  
Defendant.  
-----X

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

APPEARANCES:

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Proceedings recorded by mechanical stenography, transcript  
produced by computer.

1 P-R-O-C-E-E-D-I-N-G-S

2 (2:40 P.M.; OPEN COURT.)

3 THE DEPUTY CLERK: Please remain seated and come to  
4 order.

5 THE COURT: All right. Counsel, let's proceed. You  
6 can ask that question that you asked. I assume that there has  
7 been a waiver anyway, somewhere along the line. All right.

8 All right. Mr. Rider.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: In other words, it's not the first time  
11 that question has been asked.

12 MS. MEYER: Correct.

13 THE COURT: Under oath, right? Was there a  
14 deposition?

15 MS. MEYER: There was. You're right. Yes. Yes.  
16 Yes. You're right. I'm sorry.

17 MR. SIMPSON: There was, Your Honor.

18 MS. MEYER: Okay.

19 TOM RIDER,  
20 having been duly sworn previously, testified as follows:

21 DIRECT EXAMINATION (CONT'D.)

22 BY MS. MEYER:

23 Q Mr. Rider, is someone advising you about your tax  
24 matters?

25 A Yes, ma'am.

1 Q Do you know, is it a lawyer?

2 A Yes, ma'am.

3 Q Do you know what firm the lawyer is with?

4 A Yes, ma'am.

5 Q What is the name of the firm?

6 A Skadden & Arps.

7 Q And are you paying your attorney for that advice?

8 A No, ma'am.

9 Q How is it being handled?

10 A Pro bono.

11 Q Okay. Mr. Rider, if you prevail in this lawsuit, will  
12 you go to visit the elephants?

13 A Yes, ma'am.

14 Q What if they're still in the circus?

15 A Well, I hope, if we prevail, they won't -- you know, I  
16 will do everything I can to see them. I don't care if they're  
17 in the circus or where they're at. I want to see the  
18 elephants.

19 Q Why is that?

20 A Well, because I miss them, and if we prevail, I have a  
21 feeling that they will be in a better situation than they are  
22 now.

23 Q Okay. When you were working at Ringling Brothers, were  
24 you ever reprimanded for any conduct?

25 A Yes, ma'am.

1 Q Okay. What were you reprimanded for?

2 A I was what they called a write-up.

3 THE COURT: I'm sorry, it's called what?

4 THE WITNESS: It's called a write-up.

5 A Let's see. One was for -- pretty sure it was  
6 insubordination to a supervisor; the second one was for  
7 missing a day of work; and the last one was drunk and  
8 disorderly.

9 Q (BY MS. MEYER) Okay. Were you drunk on the job?

10 A No, ma'am.

11 Q Okay. And did you receive something in writing from  
12 Ringling Brothers about those three matters?

13 A Yes, ma'am.

14 Q Okay. Can you tell me what the procedure was for the  
15 write-ups.

16 A Well, you -- if you're going to get wrote up, you go into  
17 what we call a 16-wagon and usually Justin Ozak [ph.] who was  
18 the unit manager and the assistant unit manager and sometimes  
19 you have Jeff Pettigrew who is the union steward, and Jeff  
20 takes notes and writes down what the -- what it's about and  
21 everything else and then they tell you whether, you know,  
22 they're going to take your pay or suspend you for a day or  
23 something like that, and then they have another page and you  
24 sign it.

25 Q Okay. And when they take notes, do you have an

1 opportunity to give your side of the story?

2 A Yes.

3 Q Okay. Is that part of what's included in the write-up?

4 A Yes, ma'am.

5 Q Okay. And when you got write-ups for these three  
6 incidents, did you actually see the written record of what had  
7 been taken down about the three incidents?

8 A Yes, ma'am.

9 Q And was your side of the story in there?

10 A Yes, ma'am.

11 Q Okay. You mentioned earlier today that you had seen  
12 Ringling Brothers' elephants in Tulsa, Oklahoma in 2001; is  
13 that correct?

14 A Yes.

15 Q Do you remember any -- I think you may have already  
16 testified about this, and I'm sorry, but do you remember any  
17 particular observations you made about that that time?

18 A That would be where I saw Robert Ridley, Sonny, get the  
19 bull hook stuck in the elephant's mouth and the -- that's  
20 where I went down in the parking garage and saw them chained  
21 up all in a row down in the parking -- it was like in the  
22 basement of the parking lot.

23 Q Did you -- did you make any record of the incident with  
24 Mr. Ridley?

25 A Yes, ma'am.

1 Q What did you do?

2 A I took videotape.

3 Q Okay.

4 MS. MEYER: I'd like to actually show a clip of  
5 videotape from Plaintiff's, we'll call, Exhibit 132 for the  
6 purpose of asking Mr. Rider if this is videotape that he took  
7 in Tulsa, Oklahoma in 2001, and it's time stamped 23:15  
8 through 23:27.

9 THE COURT: Any objection?

10 MR. SIMPSON: The objection, Your Honor, is that we  
11 think this is --

12 MS. MEYER: Hold it.

13 THE COURT: What's the objection?

14 MR. SIMPSON: Well, now that it's on the screen, we  
15 think this is incomplete. This is like seven seconds of film  
16 and then nothing comes before it and nothing comes after it,  
17 so we believe it's irrelevant and misleading.

18 THE COURT: If nothing comes before it or after it,  
19 how can it be incomplete?

20 MR. SIMPSON: Well, I think it's part of a -- on its  
21 face, it looks to be part of a larger body of film.

22 THE COURT: All right. Well, he can attempt to  
23 identify it. You can show it over objection.

24 MS. MEYER: Thanks.

25 (VIDEO CLIP PLAYED.)

1 A That's in Oklahoma.

2 Q (BY MS. MEYER) Mr. Rider, did you take that video  
3 footage?

4 A Yes, ma'am.

5 Q And does it actually depict what you saw that day in  
6 Tulsa, Oklahoma?

7 A Yes, ma'am.

8 Q Can we show it again and have you tell -- show -- tell  
9 Judge Sullivan what you're seeing when you see this clip.

10 A All right.

11 Q Let's start it from the beginning.

12 (VIDEO CLIP PLAYED.)

13 A As you see here, Sonny has the bull hook. He's hooking  
14 on the trunk and then he gets it stuck in her mouth right  
15 there and he has to twist it to get it out and that's --  
16 that's what I talk -- when I say if you take the hook like  
17 this, he's putting this part here behind the trunk and pulling  
18 on it very sharply, causing it to stick in the elephant's  
19 mouth.

20 MS. MEYER: Your Honor, I'd like to move that clip  
21 into evidence, and it would be Plaintiff's Exhibit 132P.

22 THE COURT: It's admitted over objection.

23 (PLAINTIFFS' EXHIBIT 132P ADMITTED.)

24 MS. MEYER: Thank you.

25 THE COURT: Was this turned over to Defendants in

1 discovery?

2 MS. MEYER: Yes, it was, Your Honor.

3 THE COURT: Are there other portions of this clip  
4 that were turned over to them?

5 MS. MEYER: Yes, Your Honor.

6 THE COURT: All right.

7 Q (BY MS. MEYER) Mr. Rider, why did you bring this lawsuit?

8 THE COURT: Let me see that again.

9 MS. MEYER: You want to see the clip again?

10 THE COURT: Yes.

11 (VIDEO CLIP PLAYED.)

12 THE COURT: How do you know it was stuck in his  
13 mouth?

14 THE WITNESS: If you look on the clip, when he jerks  
15 the trunk and then he puts it up in the mouth, it sticks. He  
16 has to kind of twist it to get it out.

17 THE COURT: Let me see that again.

18 (VIDEO CLIP PLAYED.)

19 THE WITNESS: If you watch -- here, he is hooking on  
20 the trunk and then right there.

21 Q (BY MS. MEYER) Mr. Rider, why did you bring this lawsuit?

22 A I brought this lawsuit so that I can see the -- I want to  
23 see the end of the long periods of chaining and the use of the  
24 bull hook, and I don't think either one of them are -- I  
25 just -- to me, that's -- I've seen enough of it that I believe



1 it's very inhumane to use the bull hook and I believe it's  
2 inhumane to keep the elephants chained for extremely long  
3 periods of time and traveling in train cars from town to town.

4 MS. MEYER: Thank you. I have no further questions,  
5 Your Honor.

6 THE COURT: All right. Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. SIMPSON:

9 Q Good afternoon, Mr. Rider.

10 A Hello, Mr. Simpson.

11 Q John Simpson for the Defendant.

12 Mr. Rider, it's true, is it not, you've never been  
13 to the Ringling Brothers Center for Elephant Conservation?

14 A That's true, I've never been there.

15 Q You've never seen handling of any elephants at the CEC;  
16 is that correct?

17 A That's correct.

18 Q You're not an elephant trainer, are you?

19 A No, sir.

20 Q Never received any training in the use of the bull hook,  
21 have you?

22 A No, sir.

23 Q When you worked with Ringling Brothers between 1996 --  
24 excuse me -- 1997 and 1999 --

25 THE COURT: Excuse me one second. I forgot there is

1 something in my office, Counsel. Excuse me one second.

2 (PAUSE.)

3 THE COURT: Go ahead.

4 Q (BY MR. SIMPSON) When you worked in Ringling Brothers in  
5 1997 and 1999, the elephants you worked around were adult female  
6 elephants; is that true?

7 A Yes, sir.

8 Q And they had already been trained before you started to  
9 work there; isn't that correct?

10 A I -- that would -- I suppose they were.

11 Q You never observed any training of these elephants; isn't  
12 that true?

13 A Well, we didn't have a trainer, so I'd have to say no.

14 Q You ever personally witnessed the training of an Asian  
15 elephant by Ringling Brothers at the CEC, have you?

16 A No, sir.

17 Q You're not a veterinarian, are you?

18 A No, sir.

19 Q You're not a veterinary technician?

20 A No, sir.

21 Q You've never seen an Asian elephant in the wild?

22 A Excuse me?

23 Q You've never seen an Asian elephant in the wild, have  
24 you?

25 A No, sir.

1 Q Your period of time with Ringling Brothers was not the  
2 first time you worked with elephants, is it?

3 A No, sir.

4 Q In fact, you worked with elephants in 1989 at Epcot  
5 Center in Florida; isn't that true?

6 A No, sir. That was not working with them.

7 Q Well, you took a volunteer job helping around the  
8 elephants at Epcot Center; isn't that right?

9 A Yeah. We went back there in the evening, but...

10 Q And at that time you worked with -- at Epcot Center as a  
11 janitor; is that true?

12 A Yes, sir.

13 Q That job lasted about six months; is that correct?

14 A Yes, sir.

15 Q You worked around the elephants that were being presented  
16 at Epcot Center, correct?

17 A No. No, sir.

18 Q Well, didn't you help -- didn't you help with their --  
19 with their hay, with cleaning up around them?

20 A A couple of nights, but it wasn't -- I wasn't employed by  
21 them to do that.

22 Q You were a volunteer.

23 A We just went back there because the elephants were back  
24 there.

25 Q And did you form any kind of attachment with those

1 elephants?

2 A No, it was during lunch hour.

3 Q Now, these elephants at Epcot Center were managed by  
4 their keepers with bull hooks, weren't they?

5 A It was the middle of the night.

6 Q Well, you saw they used bull hooks on these elephants,  
7 didn't you?

8 A The guy who was there, the night barn man had a bull  
9 hook, but...

10 Q They used bull hooks, did they not?

11 A Yeah, they had bull hooks.

12 Q And they chained their elephants up, did they not?

13 A Yes.

14 Q And you didn't see anything about that that gave you any  
15 problems; isn't that true?

16 A Well, for that short of a period, I mean, I wasn't around  
17 them day and night like I was at Ringling.

18 Q But based on what you observed, there was nothing about  
19 the use of a guide or bull hook and the chains at Epcot Center  
20 that bothered you; isn't that true?

21 A I guess at that time in my life it was -- it wasn't when  
22 I was really working around elephants.

23 Q Those elephants were owned by Christiani Performing  
24 Elephants, weren't they?

25 A I don't know.

1 Q You don't know?

2 A No. I don't know who owned them.

3 Q Now, when you quit the job at Epcot Center, it had  
4 nothing to do with the treatment of those elephants; isn't  
5 that correct?

6 A Oh, no, sir. I didn't work for them.

7 Q It was because of the commute. It was hard to get to the  
8 job, wasn't it?

9 A Yes.

10 Q After Epcot Center, you took another job working with  
11 elephants; isn't that correct?

12 A Years later.

13 Q All right. Well, between, let's say, 1990 and 1996, you  
14 didn't have any form of steady employment, correct?

15 A Not really.

16 Q You didn't have a home; is that right?

17 A Well, I lived with my daughter.

18 Q You spent a lot of time traveling around the country;  
19 isn't that true?

20 A Somewhat.

21 Q And there came a point in time in Mexico when you were on  
22 a bus when you decided to go work for the Clyde-Beatty Cole  
23 Brothers Circus; isn't that right?

24 A No, I wasn't in Mexico. New Mexico.

25 Q New Mexico?

1 A New Mexico.

2 Q Okay. And at that point in time, you sought a job  
3 working with elephants; isn't that correct?

4 A Yes, sir.

5 Q Because you had a lifelong interest in elephants; isn't  
6 that right?

7 A Yes, sir, I loved elephants.

8 Q And this was -- how old were you when you sought that  
9 job?

10 A 47, 48.

11 Q That was the first time in your life you sought a  
12 full-time job working with elephants, correct?

13 A Yes, sir.

14 Q And you went to work for Clyde-Beatty Cole Brothers as an  
15 elephant tender, correct, basically a barn man?

16 A Yeah.

17 Q You cleaned up after those elephants and gave them hay,  
18 right?

19 A Yes, sir.

20 Q This was a traveling tent show, wasn't it?

21 A Yes, sir.

22 Q And you slept in the elephant truck, correct?

23 A Yes, sir.

24 Q In a little bunk area in the elephant truck?

25 A Yes, sir.

1 Q And worked 16-and-a-half hour shifts, correct?

2 A Yes, roughly, yeah.

3 Q How much did you get paid?

4 A \$75 a week, and you got half of it at the beginning of  
5 the week and half of it at the end of the week.

6 Q And this was a show that traveled very frequently; isn't  
7 that right?

8 A Yes, sir.

9 Q In fact, during the six weeks in which you worked for  
10 Clyde-Beatty Cole Brothers, they hit 42 towns, correct?

11 A Yes, sir.

12 Q Now, there were six elephants with this circus; is that  
13 right?

14 A Yes, sir.

15 Q And when they managed, they being the elephant keepers,  
16 managed these animals, they used the bull hook to do that,  
17 didn't they?

18 A Yes, sir.

19 Q And these animals were chained on a picket line  
20 continuously, weren't they?

21 A Yes, sir.

22 Q The entire time you were there?

23 A Yes, sir.

24 Q Except to perform, correct?

25 A Yes, sir.

1 Q All right. Now, did you form any kind of attachment to  
2 these elephants?

3 A Yes, sir, I did.

4 Q Well, what was it -- what was that bond like? Was it  
5 like the Blue Unit elephants?

6 A I wasn't there -- it was -- wouldn't be -- I wasn't there  
7 as long. I believe that it was more -- I was -- I loved them  
8 as much as I do any other elephant, but I wasn't there as long  
9 as I was at Ringling.

10 Q Who were those elephants? Can you name them today?

11 A Well, there was Jewel, there was Pete -- well, it was  
12 Petunia. We called her Pete. That's the two right off the  
13 top that I can remember. I believe there was a Gloria. I  
14 believe that was the third one. The other three, I'm not sure  
15 about.

16 Q Did you agree with the way these elephants were being  
17 treated?

18 A No, sir.

19 Q Did you ever complain to anybody about it?

20 A No, sir.

21 Q In fact, haven't you testified on a prior occasion that  
22 you quit that job because the Clyde-Beatty Cole Brothers'  
23 handlers beat the elephant Pete?

24 A Yes, sir.

25 Q That's not true, though, is it?



1 A No, sir, that was true.

2 Q Well, isn't it a fact, Mr. Rider, that you quit that job  
3 long before the beating of elephant Pete took place, isn't  
4 that right, you had decided to quit that job?

5 A No, sir.

6 Q Isn't it a fact, Mr. Rider, that you actually decided in  
7 Woodbridge, Virginia, several weeks before the Pete incident,  
8 that you were going to quit your job and go to Ringling  
9 Brothers?

10 A No, I said I was tired of my job.

11 Q Let me direct your attention, sir, to your deposition  
12 taken in this case in the year 2007. Do you recall being  
13 deposed?

14 A Yes, sir.

15 Q You recall I was the one who took that deposition?

16 A Yes, sir.

17 Q And asked you the questions?

18 A Uh-huh.

19 Q And you were under oath just like you are today?

20 A Yes, sir.

21 Q Let me direct you, sir, to page 87, line 1 of your  
22 deposition, 2007.

23 The question was, (reading) But do you recognize  
24 this as the employment application you filled out?

25 (Reading) Yes, sir.

1 (Reading) And signed on or about June 3<sup>rd</sup>, 1997?

2 (Reading) Yes, sir.

3 Excuse me -- (reading) Question: Is that correct?

4 (Reading) Answer: Yes, sir.

5 (Reading) Question: There is a question at the  
6 bottom, comma, how did you, on page 1, how did you hear about  
7 us? And you state "other" and state "Kenneth Feld." What did  
8 you mean by that?

9 (Reading) Answer: That I was in -- well, I was  
10 working with Clyde-Beatty, and we were in -- it's right here,  
11 I want to say Woodbridge. That's out here in Woodbridge. Is  
12 that Woodbridge, Virginia? It's right across -- I might be  
13 wrong on the town but we were there, and I was down -- I was  
14 pushing my wheelbarrow, which had a bunch of elephant dung in  
15 it, and I was heading down to dump it and then I dumped it and  
16 I went to clean up.

17 Continue, please.

18 (Reading) And this gentleman pulled up in a -- it  
19 was two gentlemen pulled up, and the one gentleman I -- I  
20 remember he had glasses and he goes, "Is Johnny Pew here?"  
21 And oh -- excuse me, just before I was -- me and my friend  
22 were walking down, and I was looking at my friend. I was  
23 probably maybe 20 feet away from this gentleman and I'm going,  
24 "I'm tired of this. I don't want to -- I don't like to use  
25 the word, but I was tired of this shit. I'm going to

1 Ringling."

2 (Reading) And this gentleman comes up with me and  
3 he goes, "Is this Johnny Pew here?" And I said, "No, sir, he  
4 just left." And I said, "Can I tell him anything, you know,  
5 who's calling?"

6 (Reading) And he said, "Kenneth Feld, I'll get back  
7 with him." I said, "Oh, the Ringling Brothers," and he goes,  
8 "Yeah. I heard what you said. You'd have to go to a unit,"  
9 and that's why I'd say I heard it from Kenneth Feld.

10 Have I read that correctly, sir?

11 A Yes, sir.

12 Q And that took place how many weeks before the beating of  
13 Pete in White Plains, New York?

14 A Oh, a few days, a week maybe.

15 Q Now, when you went to Ringling Brothers, you became a  
16 member of the Teamster's Union; is that correct?

17 A After, I believe, 30 days.

18 Q All right. And you got a union wage scale?

19 A Yes, sir.

20 Q Got a pay raise in comparison to where you were at  
21 Clyde-Beatty Cole Brothers; is that right?

22 A What did you say?

23 Q Well, let me ask it this way. Did you get a pay raise at  
24 Ringling Brothers over what you'd been paid at Clyde-Beatty?

25 A Oh, yes.

1 Q And ultimately, when you started with Ringling Brothers,  
2 you ended up with an eight-hour shift, correct?

3 A Eventually.

4 Q And a day off?

5 A Yes.

6 Q And they had a place for you to live on the train?

7 A Yes, sir.

8 Q In a pie car; isn't that true?

9 A Yeah.

10 Q Clyde-Beatty didn't have a pie car, did it?

11 A Yes, sir, that -- no, excuse me, not a pie car.

12 THE COURT: What is that? What's a pie car?

13 THE WITNESS: Pie car is a -- on the train, it's  
14 like a cafeteria.

15 THE COURT: All right.

16 THE WITNESS: They had a tent at Clyde-Beatty.

17 Q (BY MR. SIMPSON) And you -- when you went to Ringling  
18 Brothers, you ultimately got a private room on the train; isn't  
19 that correct?

20 A Yes, sir.

21 Q Did you ever complain to anyone at the USDA or any other  
22 government authority about the way that Clyde-Beatty treated  
23 Pete?

24 A Not while I was at Clyde-Beatty.

25 Q Now, after Clyde-Beatty, you approached Ringling Brothers

1 for a job, correct, in Texas?

2 A Yes, sir.

3 Q Do you recall filling out an employment application when  
4 you sought that job?

5 A Yes, sir.

6 Q Now, if I could direct your attention, sir, to  
7 Defendant's Exhibit 38.

8 MR. SIMPSON: Why don't we -- why don't we eliminate  
9 the Social Security number.

10 Q (BY MR. SIMPSON) Can you see this, Mr. Rider?

11 A Yes, sir. Could they enlarge it just a little?

12 MR. SIMPSON: Blow it up.

13 THE WITNESS: There you go. Thank you.

14 Q (BY MR. SIMPSON) Let me direct your attention to the  
15 statement where it says on the far right-hand side of the form,  
16 rank and type of service. You see that?

17 A Yes, sir.

18 Q That refers to military service?

19 A Yes, sir.

20 Q And you put in there, "Specialist 4, Army."

21 A Yes, sir.

22 Q That wasn't true, was it?

23 A That's very true.

24 Q You never held that rank in the United States Army, did  
25 you?

1 A Yes.

2 Q All right. Well, let me refer you to page 37 of your  
3 2007 deposition, line 4. The question was, (reading) What  
4 was your rank in the Army?

5 Answer, at line 5, (reading) My highest rank I held  
6 was PFC.

7 (Reading) Question: This document indicates  
8 specialist, or it seems at some point Specialist 4<sup>th</sup> Class.  
9 Was that also a rank you held?

10 (Reading) Answer: Uh, no, I did not. I never  
11 received the rank. There was a short reenlistment, they  
12 called it, and that's when they made me a Spec 4. I came home  
13 for a 30-day leave, 24 hours late getting back. They busted  
14 me back to private or PFC, so no, I never held the rank.

15 Did I read that correctly, sir?

16 A Well, yes, sir, but there is the explanation.

17 Q Could we go back to the employment application, please.  
18 The statement in this application also makes reference to  
19 having attended Washington High School; is that correct?

20 THE COURT: What's your -- Let me -- What's your  
21 explanation? You said there's an explanation.

22 THE WITNESS: Yes, sir. Yes, Your Honor. The  
23 explanation was when I reenlisted, I was made a Specialist 4<sup>th</sup>  
24 Class. I went home for my 30 days leave, so that 30 days I  
25 was a Spec 4. When I came back, I didn't time my flight right

1 and I was 24 hours late, so instead of putting me in the  
2 stockade or something, they just went ahead and busted me back  
3 to PFC.

4 Q (BY MR. SIMPSON) If we could refer you back to the  
5 employment application. There's a reference to Washington High  
6 School.

7 A Yes, sir.

8 Q You see that, Washington, Illinois, and it indicates to  
9 the right, number of years completed, four. That's incorrect,  
10 too, isn't it?

11 A No, sir.

12 Q Well, didn't you drop out of high school in the tenth  
13 grade?

14 A Well, yes, sir, but --

15 Q You ultimately got a G.E.D., correct?

16 THE COURT: Could you finish your answer? You said  
17 yes, sir, but what?

18 THE WITNESS: Well, I got my GED and that counts for  
19 the four -- that counts for graduating from high school, so  
20 that's why I put four on there because I graduated from high  
21 school.

22 Q (BY MR. SIMPSON) But you didn't go to Washington High  
23 School for four years, did you?

24 A No, sir.

25 Q And there is also a question in here at the bottom, if we

1 could turn to the bottom of the form under the employment  
2 references, underneath the entry for Clyde-Beatty Cole  
3 Brothers, which is over on the left-hand side, and it states  
4 at the bottom "reason for leaving," and you state, "to work  
5 for Ringling." You see that?

6 A Yes, sir.

7 Q You didn't state "Because Clyde-Beatty mistreated their  
8 elephants"; isn't that true?

9 A True.

10 Q And is it in fact the case that you found out about this  
11 job through Kenneth Feld?

12 A That's -- well, what, this job?

13 Q Yes.

14 A Yes.

15 Q And that's why you made reference to Kenneth Feld at the  
16 bottom of this form?

17 A Yes, sir.

18 Q Now, when you went to work for Ringling Brothers, you  
19 began as a barn man's assistant; isn't that right?

20 A Yes, sir.

21 Q Is there any position, any animal crew below barn man's  
22 assistant?

23 A No, sir.

24 Q Two months later you became the afternoon barn man,  
25 right?



1 A Two or three, yes, sir.

2 Q Now, when was it you formed your attachment to the Blue  
3 Unit elephants?

4 A Well, I would say within a few days after being there. I  
5 mean, I just -- you know, I knew this is where I wanted to be.  
6 I mean, after a few days, I started learning the elephant's  
7 names and --

8 Q Well, you testified previously that you formed it on Day  
9 Two; isn't that right?

10 A Yeah, basically, Day Two.

11 Q And it got stronger over time, correct?

12 A Yes, sir.

13 Q And was equal to all the elephants on the Blue Unit  
14 without exception, correct?

15 A Yes, sir.

16 Q Including the elephants that were owned by Richard  
17 Chipperfield, correct?

18 A Yes, sir.

19 Q Your attachment was equal as to all of them?

20 A Yes, sir.

21 Q Just as intense, right?

22 A Yes, sir.

23 Q You would have done anything in your power to protect  
24 them; is that true?

25 A Yes, sir.

1 Q And the attachment you had with these elephants was just  
2 as strong as the attachment you have for your own daughters,  
3 correct?

4 A Oh, yes, sir.

5 Q And your own grandson; is that right?

6 A Well, I don't see my grandson.

7 Q Well, you have an attachment to your grandson, don't you?

8 A Sure. I mean, sure.

9 Q And that bond with your grandson is just as strong as the  
10 bond with these elephants, right?

11 A Sure.

12 Q You had this point of view about these elephants from Day  
13 Two throughout the entire period of time you were employed at  
14 Ringling Brothers; isn't that correct?

15 A Yes, sir.

16 Q All right. You saw what you regarded as abuse of the  
17 elephants on a daily basis, correct?

18 A Yes, sir.

19 Q And you talked about it with the people that you thought  
20 were doing the abuse, correct?

21 A Yes, sir.

22 Q Mr. Peterson, Mr. Vargas; is that right?

23 A Yes, sir.

24 Q Mr. Pettigrew; is that true?

25 A Yes, sir.

1 Q And Mr. Peterson said it was discipline, didn't he?

2 A Yes, sir.

3 Q And Mr. Vargas said it was discipline?

4 A Yes, sir.

5 Q Mr. Pettigrew said you didn't know what you were talking  
6 about, right?

7 A I don't remember that.

8 Q All right. Let me refer you to page 83 of your 2006  
9 deposition. Before we pull that up, do you recall being  
10 deposed in this case on October 12, 2006?

11 A Yes, sir.

12 Q The deposition was by your counsel in her office; do you  
13 remember that?

14 A Yes, sir.

15 Q And you remember me asking questions as well?

16 A Yes, sir.

17 Q You were under oath at that time?

18 A Yes, sir.

19 Q Just like you are today?

20 A Yes, sir.

21 Q All right. Let me refer you to page 83 of your  
22 deposition at line 4, 2006.

23 (Reading) Do you remember any other conversations  
24 that you had with Ringling Brothers employees about the way  
25 the elephants were treated?

1 (Reading) Yes. Answer: Yes.

2 (Reading) Question: Can you tell us what those  
3 were?

4 (Reading) All with -- all with -- all the time on  
5 the train I would get back at 10:30 at night and we would  
6 complain. I mean, I complained all the time. All we did was  
7 why did they do this to one or why are they doing that to this  
8 one. It was a constant arguing on the train. You would have  
9 one or two of them. Like Jeff Pettigrew was always, you don't  
10 know what you're talking about, you have to do this. You  
11 know, you have to hit them, and it was a big argument about it  
12 all the time.

13 Have I read that correctly?

14 A Yes, sir.

15 Q So you made complaints constantly to the handlers, right?

16 A Yes, sir.

17 Q But you never went above their heads, did you?

18 A I went to Randy Peterson, my supervisor.

19 Q Well, you didn't go above Mr. Peterson's head, did you?

20 A No, sir.

21 Q You weren't satisfied with any of the answers you got,  
22 were you?

23 A Excuse me?

24 Q You were not satisfied with any of the answers you got  
25 from Mr. Peterson about why the elephants were being handled

1 the way they were being handled?

2 A No, sir.

3 Q You weren't satisfied with any of Mr. Vargas' answers?

4 A No, sir.

5 Q You weren't satisfied with Pettigrew's answers either?

6 A No, sir.

7 Q All right. But you didn't go talk to the unit manager  
8 about this, did you?

9 A No, sir.

10 Q You made no complaints to Jeff Steele the entire time you  
11 were there about elephant treatment, did you?

12 A No, sir.

13 Q You had a conversation with him on the day you quit your  
14 job and still didn't bring it up; isn't that true?

15 A Yes, sir.

16 Q You just assumed he wouldn't do anything about it?

17 A Yes, sir.

18 Q However, when Mr. Steele saw marks on these elephants, he  
19 did get upset, didn't he?

20 A On one occasion.

21 Q And he did at that one occasion say, "Somebody's gonna  
22 pay if they don't stop marking these elephants." Didn't he  
23 say that?

24 MS. MEYER: Objection, Your Honor, hearsay.

25 THE COURT: I'll allow it.

1 Q (BY MR. SIMPSON) Isn't that true, isn't that what he  
2 said?

3 A Yes, sir.

4 Q All right. And he said that in Boston, Massachusetts,  
5 didn't he?

6 A Yes, sir.

7 Q You speculate maybe about why he said it, but he said it,  
8 didn't he?

9 A Yeah, he said it.

10 Q The veterinarians at Ringling Brothers came to the unit  
11 quite often, didn't they?

12 A Yes.

13 Q There was a veterinarian named Dr. Gary West who came to  
14 the unit, true?

15 A I'd seen him a couple of times.

16 Q And a veterinarian named William Lindsay, he also came,  
17 didn't he?

18 A Yes, sir.

19 Q You didn't complain to any of the veterinarians about how  
20 the elephants were being treated, did you?

21 A No, sir.

22 Q You didn't tell Dr. West that you felt the elephants were  
23 being hooked too much or being chained too much, correct?

24 A No, sir.

25 Q You didn't tell Dr. Lindsay that you felt the elephants

1 were become hooked or chained too much either, did you?

2 A No, sir.

3 Q You had a specific situation in Detroit, Michigan in  
4 which you had a private conversation or personal conversation  
5 with Dr. West, didn't you?

6 A No, sir.

7 Q You recall -- do you recall a situation with the elephant  
8 Susan?

9 A Yes, sir.

10 Q And he was -- and she was ill, correct?

11 A Yes, sir.

12 Q And you didn't like the way she looked, did you?

13 A No, sir. Well, she --

14 Q She looked ill, didn't she?

15 A Yes, sir.

16 Q And it concerned you, didn't it?

17 A Yes, sir.

18 Q And you had a conversation with Dr. West about Susan,  
19 didn't you?

20 A No, sir.

21 Q All right. Let me refer you to your interrogatory  
22 answers in this case.

23 A Okay.

24 Q Do you recall answering interrogatories served on you by  
25 the Defendant?

1 A Yes, sir.

2 Q Do you remember doing that in the year 2004?

3 A Yes, sir.

4 Q You remember that one of the questions that was posed to  
5 you was describe all the incidents of mistreatment that you  
6 claim you saw at Ringling Brothers?

7 A Yes, sir.

8 Q And you answered that question, didn't you?

9 A Yes, sir.

10 Q And you answered that question by using a route card to  
11 refresh your recollection, correct?

12 A Yes, sir.

13 Q And one of the incidents you remembered was Detroit,  
14 Michigan, correct?

15 A Yes, sir.

16 Q And you did this by yourself in your van in the mountains  
17 of California, correct?

18 A Yes, sir.

19 Q All right. Let me show you Defendant's Exhibit 16, page  
20 19, answer to Interrogatory No. 11. And it reads, (reading)  
21 October 1 through 5, 1997, Detroit, Michigan. We were inside,  
22 and the elephant Susan got sick. I requested the veterinarian  
23 Gary West and Graham Chipperfield to come back to the unit.  
24 They came back. They stood about 20 feet away and looked at  
25 her and said she looked fine, probably had a stomachache and



1 walked off. That's not taking care of an elephant to me but  
2 that's what they did. And you also said, also, there was  
3 hooking and hitting by Jeff Pettigrew.

4 Did I read that correctly, sir?

5 A Yes, sir.

6 Q Did Susan get over this ailment?

7 A Yes, sir.

8 Q Ultimately she did, didn't she?

9 A Yes, sir.

10 Q When you were on the Blue Unit, there were certain  
11 corporate officials from Ringling Brothers or Feld  
12 Entertainment that visited that unit; isn't that right?

13 A Yes, sir.

14 Q And you mention in your direct that one of those  
15 individuals was Richard Froemming, correct?

16 A Yes, sir.

17 Q Wasn't one of the other people John -- John Jensen?

18 A I believe it was because I never -- I didn't really know  
19 his name, but I believe so.

20 Q But you knew both of these gentlemen were from corporate,  
21 correct?

22 A Oh, yes, sir.

23 Q You didn't complain to either one of them about how the  
24 elephants were treated, did you?

25 A No, sir.

1 Q Mr. Feld came to the unit on occasion, did he not?

2 A Two or three times.

3 Q He was there in Denver for Dateline, wasn't he?

4 A Yes, sir.

5 Q He was there in Richmond, Virginia?

6 A Yes, sir.

7 Q You never complained to Mr. Feld about how these  
8 elephants were being treated either, did you?

9 A No, sir.

10 Q In fact, you had a specific opportunity to talk to  
11 Mr. Feld at the MCI Center in Washington, D.C. and didn't do  
12 it; isn't that true?

13 A He was there.

14 Q He was backstage, wasn't he?

15 A He was standing back there with another gentleman.

16 Q And it never occurred to you that to go over there and  
17 tell him what you thought was going on with these elephants,  
18 didn't it?

19 A No, sir.

20 Q It never occurred -- it never crossed your mind?

21 A No, sir.

22 Q All right. Ms. Meyer indicated that in 2000, when you  
23 were at the Performing Animal Welfare Society, you were  
24 deposed; you remember that?

25 A Yes, sir.

1 Q A statement was taken --

2 A Excuse me.

3 Q -- of you under oath by a lawyer named Sharon Simms,  
4 correct?

5 A Yes, sir.

6 Q There was nobody else present but her and Ms. Darby -- or  
7 Derby; isn't that true?

8 A And the videotape.

9 Q And the videotape person. There was no lawyer from the  
10 circus who was present, correct?

11 A Oh, no.

12 Q I wasn't there, for example?

13 A No, no.

14 Q Nobody else but those people were present, correct?

15 A Right.

16 Q But you were under oath, were you not?

17 A Yes.

18 Q The same oath in that statement was the same oath you  
19 took in this courtroom?

20 A Yes.

21 Q All right. I would like to direct your attention to  
22 Defendant's Exhibit 33, which was submitted as a video and  
23 transcript of that statement in March of 2000 with the lawyer  
24 Sharon Simms, and we synced this with the video as well as the  
25 transcript, and I want to direct your attention, sir, to page

1 84, line 7 through page 85, line 4.

2 (VIDEO CLIP PLAYED.)

3 Q (BY MR. SIMPSON) Mr. Rider, that's you on that tape,  
4 correct?

5 A Yes, sir.

6 Q And that statement was taken in March of 2000; isn't that  
7 true?

8 A Yes, sir.

9 Q This was the same person who you found out about your job  
10 from in Woodbridge, Virginia, isn't it, Kenneth Feld?

11 A Yes, sir.

12 Q When you were there, you indicated in your direct that  
13 individuals from the United States Department of Agriculture  
14 would come to the unit, correct?

15 A Yes, sir.

16 Q Nobody ever called you from USDA and alerted the fact  
17 that they were coming; isn't that true?

18 A No, sir.

19 Q You never got such a phone call, correct?

20 A I didn't.

21 Q You didn't. When these officials came to the unit, you  
22 didn't approach any one of them and tell them any of your  
23 concerns about the elephants, did you?

24 A No, sir.

25 Q You never thought -- you never told them any of the

1 elephants were being hooked too much, did you?

2 A No, sir.

3 Q You never told them that any of the elephants were being  
4 chained too much, did you?

5 A No, sir.

6 Q You didn't send them an anonymous letter, did you?

7 A No, sir.

8 Q You didn't make an anonymous phone call?

9 A No, sir.

10 Q Made no contact with them whatsoever, did you?

11 A No, sir.

12 Q When you were on the unit, isn't it true that local  
13 animal control officers also came through?

14 A I -- I'm sure they did, but I wouldn't know them without  
15 them identifying themselves.

16 Q But they were inspectors other than USDA inspectors, were  
17 they not?

18 A I believe so.

19 Q And you didn't complain to any of them about how the  
20 elephants were being treated, did you?

21 A No, sir.

22 Q There was a point in time in Denver, Colorado when the TV  
23 show Dateline came to the unit; isn't that correct?

24 A Yes, sir.

25 Q You didn't approach any of those reporters and tell them

1 what you thought was going on with the elephants, did you?

2 A No, sir.

3 Q You didn't tell any of those reporters that you thought  
4 the elephants were being hooked too much?

5 A No, sir.

6 Q Or being chained too much, correct?

7 A No.

8 Q There came a point in time -- Well, let me ask you this:  
9 Did you regard this atmosphere on the unit as abusive to the  
10 animals?

11 A Yes, sir.

12 Q Was it -- was it something that was uncomfortable to you  
13 personally?

14 A Yes, sir.

15 Q On the other hand, your daughter worked for the same  
16 circus, didn't she?

17 A Yes, sir.

18 Q She came in and worked for the Blue Unit between July of  
19 1998 and September of 1998; isn't that correct?

20 A Yes, sir.

21 Q Did you try to talk her out of coming to the show?

22 A No, sir.

23 Q So it was an environment that was okay for your daughter  
24 to be in?

25 A Sure. She was selling programs.

1 Q She was 20 years old at the time, correct?

2 A Yes.

3 Q You don't know how old your daughter was in 1998?

4 A '98, okay. Yes.

5 Q And she got involved romantically with an elephant  
6 handler, didn't she?

7 MS. MEYER: Objection, Your Honor.

8 THE COURT: Sustained.

9 MS. MEYER: It's irrelevant.

10 THE COURT: Sustained.

11 Q (BY MR. SIMPSON) You indicated that you had complained  
12 about what you saw to Randy Peterson, correct?

13 A Yes, sir.

14 Q You were never fired or disciplined as a result of that,  
15 were you?

16 A My job was threatened.

17 Q But you were never fired, were you?

18 A No, sir.

19 Q And at the time, you were a member of the Teamsters  
20 Union, correct?

21 A Yes, sir.

22 Q So you couldn't have been fired without a grievance if  
23 you thought the termination was unjust; isn't that true?

24 A I'm not sure on that.

25 Q All right. Well --

1           THE COURT: Let me speak with counsel at the bench  
2 just for one second. You can stay there.

3           (AT THE BENCH; ON THE RECORD.)

4           THE COURT: There's something else working there.  
5 You going for bias or motive or something in the application?  
6 The boyfriend and --

7           MR. SIMPSON: Well, I mean, the daughter --

8           THE COURT: That's not your theory, though.

9           MR. SIMPSON: But it's one of the handlers he's  
10 saying is abusive. I mean, I think you are entitled to  
11 consider that with respect to whether he's --

12          THE COURT: That's not going to develop in here that  
13 he made all this up because he was mad at his daughter.

14          MR. SIMPSON: Obviously, credibility is a central  
15 question as a finder of fact, so there may be a number of  
16 motives here.

17          THE COURT: I did not know that was a theory. I  
18 just wanted to inquire. Same ruling.

19          MR. SIMPSON: All right. Same ruling?

20          THE COURT: Yeah.

21          (OPEN COURT.)

22          Q       (BY MR. SIMPSON) You indicated in your direct, sir, that  
23 you had been -- you received a written reprimand for being  
24 insubordinate; is that correct?

25          A       Yes, sir.



1 Q And that involved a situation where you threw a bag of  
2 corn up toward the elephant Karen in the train car, correct?

3 A I was feeding Karen. I didn't throw the bag.

4 Q You were feeding her before she had been watered; isn't  
5 that right?

6 A I did not know that at the time.

7 Q But the conduct was regarded as insubordinate; isn't that  
8 correct?

9 A No.

10 Q All right. Let me direct your attention to your  
11 deposition of 2006 at page 266.

12 THE COURT: Let me ask you a question. You said  
13 your daughter had -- she was well acquainted with a trainer,  
14 elephant trainer; is that right?

15 THE WITNESS: Yes.

16 THE COURT: All right. The fact of that  
17 relationship, did that have any bearing whatsoever on your  
18 complaints about elephant abuse?

19 THE WITNESS: No.

20 THE COURT: All right. Go ahead.

21 Q (BY MR. SIMPSON) At line 9.

22 A Can you increase the size? Thank you.

23 MR. SIMPSON: Looking at the wrong deposition.

24 Q (BY MR. SIMPSON) Sorry, Mr. Rider, we had the wrong  
25 deposition. I want to direct your attention to line 11, and the

1 question was, (Reading) Let me show you, sir, what we've  
2 marked, sir, as Defendant's Exhibit 15 for identification, which  
3 is Feld Bates No. 0004831, a similar document dated July 18,  
4 1999. Do you recognize your signature as the one above "Tom  
5 Rider, employee"?

6 And the answer was, (Reading) Yes, sir.

7 (Reading) Question: Do you recall receiving this  
8 document on or about July 18<sup>th</sup>, 1999?

9 (Reading) Yes, sir.

10 (Readings) States that you are being warned for  
11 insubordinate behavior towards your supervisor.

12 (Reading) Answer: Yes, sir.

13 Continuing. Line 1. (Reading) Question: What was  
14 that about?

15 (Reading) Answer: Okay. I was on the train and we  
16 were up by Karen and there was Adam Hill and Tommy Henry and  
17 myself, and we were doing feed-out at a water stop. And I  
18 took -- I was just doing my normal feed-out and I threw a bag  
19 of corn up to Karen who I was unaware had not been watered  
20 yet. Adam Hill grabbed me, turned me around and threw me back  
21 against Sophie, and that's when I put my hands in the air and  
22 said, "Tommy Henry, did you see that?" Adam Hill went to Jeff  
23 Steele and they wrote me up for insubordination to a  
24 supervisor because I fed the elephant corn before he was  
25 watered.

1                   Did I read that correctly?

2       A    Yes, sir.

3       Q    Is there some reason why you refer to Karen as "he" in  
4 that answer?

5       A    Just forgetting for a moment.

6       Q    You were also written up for drunken and disorderly  
7 behavior; isn't that correct?

8       A    Yes, sir.

9       Q    And you were written up for being late to work; isn't  
10 that also true?

11      A    I think I was wrote up for missing a day of work.

12      Q    Missing a day of work?

13      A    Right.

14      Q    And none of those write-ups resulted in you being  
15 terminated; isn't that true?

16      A    That's true.

17      Q    And you didn't take any of these write-ups to the union,  
18 did you?

19      A    Jeff Pettigrew was present on the third one.

20      Q    But you didn't file a formal grievance with the union --

21      A    Oh, no, sir.

22      Q    -- protesting these actions, did you?

23      A    No, sir.

24      Q    Now, is it true that you were actually written up because  
25 you complained about the animals? Is that your testimony, or

1 was it because of these incidents that we just went over?

2 A You asking me why was I wrote up?

3 Q Yeah.

4 A Well, on the third one I was wrote up because there was a  
5 gentleman up by the elephants in Boston who was hooking the  
6 elephants when the assistant unit manager, who I believe his  
7 name was Dave. I don't remember his last name. Oh, Brown,  
8 excuse me, Dave brown, came running up and as he was running  
9 towards the elephants. They came back and they start -- you  
10 know, I was behind them.

11 So that night it was my birthday, and we were at a  
12 birthday party and me, Jeff Pettigrew and all the animal crew  
13 were in the train cars about 1:00, 2:00 o'clock in the  
14 morning, we'd been drinking and we started chanting, "F, Dave  
15 Brown," and next thing you know I got called in and got wrote  
16 up.

17 Q Well, you told a -- isn't it true, sir, that you  
18 testified or appeared before a committee of the Nebraska  
19 legislature in 2006? You remember that?

20 A Yes, sir.

21 Q And your lawyer made reference to it in your direct  
22 testimony today. You remember that?

23 A Yes, sir.

24 Q And didn't you tell that legislature that you had been  
25 written up at Ringling Brothers three times for complaining

1 about animal abuse?

2 A Yes, sir.

3 Q That was a true statement?

4 A Yes, sir.

5 Q Notwithstanding what we just went over today?

6 A Yes, sir. I say it's a true statement.

7 Q Now, when you were at Ringling Brothers, you had decided  
8 to leave the job approximately six months before you actually  
9 left; isn't that correct?

10 A I -- it was more like about three -- when we found out  
11 Raffo was going to Europe, so I don't think that was six  
12 months in advance. It might have been.

13 Q But you knew by Kansas City in September of '99 that you  
14 were going to go to Europe, correct?

15 A Yes, sir.

16 Q You were going to go to Europe with Daniel Raffo,  
17 correct?

18 A Yes, sir.

19 Q You were going to Europe with the three Chipperfield  
20 elephants, correct?

21 A Yes, sir.

22 Q Those elephants were Meena, Lecheme and Camella; correct?

23 A Camella, yes, sir.

24 Q Those were the three; is that right?

25 A Yes, sir.

1 Q At that point in time you had that job; isn't that true?  
2 You knew you were going to go to Europe with him?

3 A Yes, sir.

4 Q And you still didn't make any complaints about the  
5 Ringling elephants, did you?

6 A No, sir.

7 Q Now, when you left Ringling Brothers, it was voluntary,  
8 wasn't it?

9 A Oh, sure, yeah.

10 Q It was at the end of that show tour, the Side Show Show  
11 Tour, correct?

12 A Yes, sir.

13 Q And after you left Ringling Brothers, you didn't take any  
14 of your concerns about elephant treatment to the USDA, did  
15 you?

16 A No, sir.

17 Q And you didn't take any of your concerns about elephant  
18 treatment to any local animal control agency, did you?

19 A No, sir.

20 Q Let me show you, sir, paragraph 33 of the complaint that  
21 was filed in this action on July 11<sup>th</sup>, 2000.

22 MR. SIMPSON: Which I would ask the Court to take  
23 judicial notice of.

24 THE COURT: All right.

25 Q (BY MR. SIMPSON) Paragraph 33 says, (reading) Mr. Rider

1 stopped working in the circus community because he could no  
2 longer tolerate the way the elephants were treated by  
3 Defendants.

4 Did I read that correctly?

5 A Yes, sir.

6 Q At the time that this complaint was filed in July of  
7 2000, no reference was made in this document to Clyde-Beatty  
8 Cole Brothers or to Daniel Raffo; is that fair to say?

9 A Yes, sir.

10 Q Why is that?

11 A I would just -- was the question she was asking me, Diane  
12 Ward.

13 Q Well, it's fair to say that after you quit Ringling  
14 Brothers, you continued to work in the circus community for  
15 three more months, didn't you?

16 A Yeah, in Europe.

17 Q In Europe with Daniel Raffo?

18 A Yes, sir.

19 Q And that was a circus, wasn't it?

20 A Yes, sir.

21 Q And Daniel Raffo was an elephant handler, wasn't he?

22 A Yes, sir.

23 Q And he was a tiger trainer, correct?

24 A Yes, sir.

25 Q And Daniel Raffo handled the Ringling Brothers' elephants

1 when he was on the Blue Unit with you between 1997 and 1999,  
2 correct?

3 A Yes, sir.

4 Q Daniel Raffo is one of the people you contend abused the  
5 elephants at Ringling Brothers, correct?

6 A Yes, sir.

7 Q And he abused, in your view, the Ringling Brothers'  
8 elephants, right?

9 A Yes, sir.

10 Q And the Chipperfield elephants, correct?

11 A Yes, sir.

12 Q And you went to Europe with Mr. Raffo and the three  
13 Chipperfield elephants, correct?

14 A Yes, sir.

15 Q And at the time you left the United States with him, you  
16 had reason to believe that those elephants were not going to  
17 be handled with a bull hook, did you?

18 A No, I believed -- well, excuse me?

19 Q You had no reason to believe, when you left the United  
20 States with Mr. Raffo and those three elephants, that they  
21 were not going to be handled with a bull hook, correct? You  
22 knew they were going to be handled with a bull hook --

23 A Yes, sir.

24 Q -- correct?

25 A Yes, sir. Yes, sir.



1 Q You also knew they were going to be chained, correct?

2 A Yes, sir.

3 Q But you chose to go and expose yourself to that  
4 voluntarily, correct?

5 A Yes, sir.

6 Q How much did Daniel Raffo pay you?

7 A I believe it was \$200 a week.

8 Q Was that more or less money than Ringling Brothers paid  
9 you?

10 A Less money.

11 Q Is it your testimony that -- Well, you said indicated  
12 that in your direct that this was a trip by sea to Europe; is  
13 that correct?

14 A Yes, sir.

15 Q The elephants were transported how?

16 A In a 20 -- a small half-sized trailer, like, in other  
17 words, I believe it was 20-by like it was -- normally a  
18 trailer is 40-foot long, but this one was 20. The three  
19 elephants were put in there and they were put on top of the  
20 boat.

21 Q It was on the deck of the ship?

22 A Yes.

23 Q And did you suffer esthetic injury by the way those  
24 elephants were treated?

25 A Yes, sir.

1 Q But you exposed yourself to that esthetic injury  
2 voluntarily, did you not?

3 A I thought it would be better, but yes.

4 Q No one forced you to take that job with Mr. Raffo; isn't  
5 that true? And in fact, didn't you seek the job out from him?

6 A Yes, sir.

7 Q You asked to go. He didn't ask you to go. You applied  
8 for the job?

9 A Yes, sir.

10 Q And you applied for the job knowing how he treated the  
11 Ringling Brothers' elephants when you were on the Blue Unit,  
12 correct?

13 A Yes, sir.

14 Q Now, you indicated, I think in your direct, that the --  
15 you had an attachment to the Ringling Brothers' elephants, but  
16 isn't it true, Mr. Rider, that the real -- the elephants you  
17 were really attached to were the Chipperfield elephants?

18 A Oh, no, sir.

19 Q That's not true?

20 A No, I was attached to all of them.

21 Q You were attached equally to all these elephants?

22 A Yes, sir.

23 Q Isn't it true, sir, that the only reason you stayed at  
24 Ringling Brothers was because of the Chipperfield elephants?

25 A No, sir, it was because of all the elephants.

1 Q It was because of all of them?

2 A Sure.

3 Q You stand by that testimony?

4 A Well, yes, because I mean, I loved -- I loved all the  
5 elephants, but I was closer to the Chipperfield elephants.

6 Q All right. Well, you had a -- you were -- you will  
7 concede that you were closer to them; is that correct?

8 A Yes.

9 Q But they were the real reason you stayed, despite all the  
10 abuse you say you saw; isn't that right?

11 A No, sir.

12 Q All right. Let me direct, first of all, your attention  
13 to page 90 of your 2007 deposition. And I want to direct your  
14 attention, sir, to page 90 at line 17.

15 A Could you please expand it.

16 MR. SIMPSON: Blow it up, Larry.

17 THE WITNESS: Thank you.

18 Q (BY MR. SIMPSON) And the question was, (reading) And you  
19 worked for Ringling Brothers Circus for how long?

20 (Reading) Answer: Till November 25<sup>th</sup>, 1999.

21 (Reading) Question: All right. At what point in  
22 that time frame did you decide to leave that job?

23 (Reading) Answer, I: Decided to leave when I knew  
24 there was an opportunity to go to Europe. I could not stand  
25 the way the animals were being treated, and I found that I had

1 to -- I had a chance to go to Europe and be with the three  
2 elephants that I was really attached to. They were leaving,  
3 the show, Lecheme, Meena and Camella.

4 (Reading) So week-and-a-half before -- oh, two  
5 weeks, two-and-a-half weeks before, once Daniel Raffo found  
6 out that I could be -- that I could go with him, at that point  
7 I knew I was leaving Ringling.

8 Did I read that correctly, sir?

9 A Yes, sir.

10 Q And let me also direct your attention to page 93, lines 7  
11 through 10.

12 The statement, or question was, (reading) You were  
13 interested in taking the job and going to Europe?

14 (Reading) Answer: I would -- I wanted to be with  
15 those three elephants, yes.

16 Sir, do you also remember referring in your direct  
17 testimony to a lecture or presentation you gave in Carbondale,  
18 Illinois?

19 A Yes, sir.

20 Q That was in front of a college -- a group of college  
21 students, wasn't it?

22 A I believe so.

23 Q And it was in September of 2002; isn't that true?

24 A Yes, sir.

25 Q You talked to them, that group of people about your

1 experiences at Ringling Brothers; isn't that right?

2 A Yes, sir.

3 Q And a tape was made of that lecture or presentation;  
4 isn't that right?

5 A I don't -- I don't remember.

6 Q All right. Well, let me refer you to a videotape dated  
7 September 16<sup>th</sup>, 2002, which was produced in this case as  
8 Bates No. TR00203, and I want to refer your attention to time  
9 stamp 4 hours, 55 minutes and 17 seconds.

10 (VIDEO CLIP PLAYED.)

11 MS. MEYER: Your Honor, sorry, I want to object.

12 This exhibit was not --

13 MR. SIMPSON: It's impeachment, Your Honor.

14 THE COURT: It's cross-examination. I'll allow it.

15 (VIDEO CLIP PLAYED.)

16 Q (BY MR. SIMPSON) Now, Mr. Raf- -- or excuse me,  
17 Mr. Rider, you ultimately left the job with Mr. Raffo, correct?

18 A Yes, sir.

19 Q You testified today it was because of the -- the death of  
20 two tigers; isn't that right?

21 A Yes, sir.

22 Q When you were asked that question in your interrogatories  
23 in this case, you didn't mention that, did you?

24 A I don't remember. Maybe not.

25 Q Well, do you recall answering -- you recall answering

1 interrogatories in this case, correct?

2 A Yes, sir.

3 Q You wrote the answers, true?

4 A Yes, sir.

5 Q And you were asked a question about what your employment  
6 history was and why the -- why the -- what the reasons were  
7 for each job and why you left, correct?

8 A Yes, sir.

9 Q All right. Well, let me refer you to your 2004 answer to  
10 Interrogatory No. 2, which is Defendant's Exhibit 16 at page  
11 6. If I could refer you to the bottom of that paragraph with  
12 the sentence beginning, "I quit."

13 Well, let's go back a little bit. (Reading) Daniel  
14 paid me to help take care of the elephants. I worked for him  
15 until March 2000. I quit because of the way Raffo and others  
16 who worked for the Chipperfields continued to mistreat the  
17 elephants.

18 Did I read that correctly, sir?

19 A Yes, sir.

20 Q And no reference is in here made, is there, to tigers or  
21 euthanization of tigers; isn't that true?

22 A Right.

23 Q Now, after you quit the job with Mr. Raffo, you traveled  
24 to England; isn't that right?

25 A Excuse me. I traveled --

1 Q Traveled to England after you left the Raffo job?

2 A Yes, sir.

3 Q And went to London; is that right?

4 A Yes, sir.

5 Q Made contact with a newspaper called the Daily Mirror;  
6 isn't that right?

7 A Yes, sir.

8 Q And you were there for eight to ten days, correct?

9 A Yes, sir.

10 Q And they put you up in a hotel?

11 A Yes, sir.

12 Q Paid your expenses?

13 A Yes, sir.

14 Q Gave you 300 pounds sterling; isn't that right?

15 A What's -- yeah --

16 Q 300 pounds of English money?

17 A Oh, okay.

18 Q They gave you that; isn't that true?

19 A Yes, sir.

20 Q And at that point in time you gave an interview to an  
21 individual named Jeremy Armstrong; isn't that right?

22 A Yes, sir.

23 Q That resulted in two articles that were written about the  
24 Chipperfield elephants, correct?

25 A Yes, sir.

1 Q And they were published in March of 2000; isn't that  
2 right?

3 A Yes, sir.

4 Q The first one was published on March 20<sup>th</sup>, 2000,  
5 correct?

6 A I haven't seen it, but I guess it would be March 20<sup>th</sup>.

7 Q Do you agree with March 20<sup>th</sup> as the date?

8 A Yes.

9 Q And that was the first time you had spoken out publicly  
10 about elephant mistreatment; isn't that true?

11 A Yes, sir.

12 Q After that article was published, in fact the day that  
13 article was published on March 20<sup>th</sup>, 2000, you left the  
14 United Kingdom for the United States, correct?

15 A I'm not sure if that was that day or the next day.

16 Q All right. Well, let me refer you to your 2007  
17 deposition at page 150, line 20. The question was, (reading)  
18 After this article was published March 20, 2000, what did you  
19 do next?

20 (Reading) Answer: I went back to the United  
21 States.

22 Continuing on. (Reading) How soon after March 20  
23 of 2000 did you do that?

24 (Reading) I just came -- I go back to what I --  
25 what day I left. I believe it was -- actually, I think it



1 was -- I'm almost sure it was the same day, because I flew out  
2 at night. I remember that. I left there, it was evening  
3 time. I'm pretty sure it was the same day the articles came  
4 out -- the article came out, articles. There was 20 -- yeah,  
5 that same night.

6 Have I read that correctly, sir?

7 A Yes, sir.

8 Q The Daily Mirror paid for that plane ticket to the United  
9 States, didn't they?

10 A Yes, sir.

11 Q And when you left England, the reporters who worked for  
12 that newspaper gave you \$1100 in cash; isn't that right?

13 A Yes, sir.

14 Q And when you got back to the United States --

15 THE COURT: Go ahead. You were going to say  
16 something.

17 THE WITNESS: Yeah. I don't think it was 1100. It  
18 was enough for a Greyhound bus ticket and \$500.

19 Q (BY MR. SIMPSON) All right. Well, let me -- same  
20 deposition at page 155, line 10. Excuse me, 155, line 10.

21 (Reading) And then what did you do?

22 (Reading) I bought an Ameripass -- a Greyhound  
23 Ameripass, and they -- a group of reporters there had pooled  
24 together and gave me enough money to buy an Ameripass and  
25 \$500. And I looked at the pass and I looked at the money and

1 I said, "This is elephant money. This is not for me. If I  
2 want to put a stop to the cruelty, then I have to do something  
3 with this," and at that point I went straight up to Boston.

4 (Reading) Question: All right. So if I'm  
5 understanding this, you were where? In a Greyhound bus  
6 station in New York City?

7 (Reading) I was stand at the Port Authority in New  
8 York City.

9 (Reading) At the port -- Question, At the Port  
10 Authority, and a group of total strangers came up and gave you  
11 \$500 and a pass?

12 (Reading) Answer: No, no, before I left.

13 (Reading) Question: All right. How did that come  
14 about?

15 (Reading) That was -- they -- a gift. A bunch of  
16 people that gave me a gift.

17 (Reading) Question: Well, who were these people?

18 (Reading) Answer: Reporters.

19 (Reading) Well, name them.

20 (Reading) Answer: I don't know them.

21 (Reading) Question: Why would they give you a  
22 gift?

23 (Reading) Answer: Why not? Maybe they didn't like  
24 animal -- animal cruelty. I don't know.

25 (Reading) Question: Well, how did it come about

1 that they even knew you were at the bus station?

2 (Reading) Answer: No, I got the money Europe.

3 (Reading) Question: Okay. So you got the money  
4 the day before you left London?

5 (Reading) Answer: Yeah, the people at the Daily  
6 Mirror gave it to me.

7 (Reading) Question: All right. And where did this  
8 gift occur? Was it at the airport? At the Daily Mirror?

9 (Reading) Answer: It was at the Daily Mirror  
10 because they were putting me into a taxi that they were going  
11 to run me out to the airport. He said, Here's an envelope,  
12 open it, and later inside, it said "thank you" and it had my  
13 money for a bus pass and enough left for some food or  
14 whatever. It was just a simple gift.

15 (Reading) Question: All right, then, that's what I  
16 wasn't clear about. There was some money in the envelope and  
17 a buss pass or just money?

18 (Reading) No, just money.

19 (Reading) Question: All right. How much money was  
20 in the envelope?

21 (Reading) Answer: There was approximately \$1100.  
22 The bus pass was 600. Jeremy had asked me that, how much it  
23 was.

24 Have I read that correctly?

25 A Yes, sir.

1 Q Now, when you got back to the United States, you made a  
2 trip to California; is that correct?

3 A Yes, sir.

4 Q And you made contact with an organization called the  
5 Performing Animal Welfare Society, correct?

6 A Yes, sir.

7 Q You had been placed in touch with the Performing Animal  
8 Welfare Society, or PAWS, by a group in London called the  
9 Animal Defenders; isn't that right?

10 A Yes, sir.

11 Q They in turn put you in turn in touch with an individual  
12 named Betsy Swart, correct?

13 A Yes, sir.

14 Q Betsy Swart arranged for you to make a trip to see PAWS,  
15 correct?

16 A Yes, sir.

17 Q And by March 25<sup>th</sup>, 2000, five days after that article  
18 was published in London, you were in Galt, California,  
19 correct?

20 A Yes, sir.

21 Q And you were in Galt, California giving a sworn statement  
22 about what you had witnessed at Ringling Brothers, correct?

23 A Yes, sir.

24 Q How did you get to Galt, California?

25 A I had a Greyhound pass.

1 Q You sure you weren't flown out there on an airplane?

2 A No, sir.

3 Q All right. You remember answering interrogatories in  
4 this case in 2000 in response to Judge Sullivan's order?

5 A Yes, sir.

6 Q Let me refer you to your 2007 answer to Interrogatory No.  
7 24 at page 13, which is our Defendant's Exhibit 16 at page 75.

8 And I think we need to -- let me read the question.

9 And the question was, identify -- this is  
10 Interrogatory No. 24. (Reading) Identify all income, funds,  
11 compensation, other money or items, including without  
12 limitation, food, clothing, shelter or transportation you have  
13 ever received from any animal advocate or animal advocacy  
14 organization. If the money or items were given to you as  
15 compensation for services rendered, describe the services  
16 rendered and the amount of compensation.

17 And your supplemental response to this interrogatory  
18 was (reading) In March 2000, PAWS paid for an airline ticket  
19 for me to come to Galt, California so that I could be deposed  
20 by PAWS' attorney.

21 Did I read that correct?

22 A That's not correct.

23 Q This is not true?

24 A Yeah, that's -- it was -- I took a bus.

25 Q You took a bus?

1 A Yeah, I don't --

2 Q Well, this interrogatory was signed under oath, was it  
3 not?

4 A Yes, sir.

5 Q Go to the end of it, will you, please, the end of this  
6 document.

7 MS. MEYER: He's already admitted it was signed  
8 under oath.

9 MR. SIMPSON: Let me just, for the record, get the  
10 witness to indicate.

11 Q (BY MR. SIMPSON) Is that your signature under the  
12 verification, "Tom E. Rider"?

13 A Yes, sir.

14 Q The date "September 24<sup>th</sup>, 2007"?

15 A Yes, sir.

16 Q Is that correct?

17 A Yes, sir.

18 Q Now, at the time you went to PAWS, that organization was  
19 headed by a person named Pat Derby; is that correct?

20 A Yes, sir.

21 Q And at that time, in March of 2000, Ms. Derby was in a  
22 dispute with Ringling Brothers about how Ringling Brothers  
23 treated its elephants; wasn't that right?

24 A In the beginning when I first got there?

25 Q When you got there.

1 A No, sir. I don't -- I don't believe so.

2 Q You don't recall that?

3 A Not in the beginning.

4 Q You don't recall her asking you to join that fight?

5 A The fight against Ringling that she had going on?

6 Q Yes.

7 A I was never asked to join that.

8 Q All right. Well, let me refer you to your 2007

9 deposition at page 167, line 10.

10 (Reading) Question: Okay. And then after -- after  
11 the statement was given and you had a discussion with her  
12 about continuing to work with PAWS; is that right?

13 (Reading) Answer: Continuing to fight the abuse at  
14 Ringling and not work for PAWS, no, but to do media or  
15 whatever, you know, speak to whatever she wanted.

16 (Reading) Question: But you were going to be doing  
17 this with her, correct?

18 (Reading) Answer: Well, yes.

19 And also I'd like to refer you to page 166, line 18.  
20 Same deposition.

21 (Reading) Question: And you stayed on at Galt?

22 (Reading) Answer: I -- I went back to the motel.  
23 She asked me if I would stay, and, you know, do media and  
24 speak about the animals, and I said yes.

25 Have I read that correctly?

1 A Yes, sir.

2 Q Now, the day you arrived at PAWS or in Galt, California,  
3 you gave a sworn statement under oath, correct?

4 A Yes, sir.

5 Q That same day they put you up in a motel to stay in?

6 A Yes, sir.

7 Q PAWS did and they paid for it, right?

8 A Yes, sir.

9 Q They paid you \$50 a week; is that correct?

10 A Yes, sir.

11 Q And that motel and that payment and \$50 a week lasted  
12 until February of 2001; isn't that true?

13 A Yes, sir.

14 Q And between March 25<sup>th</sup>, 2000 and February of 2001, you  
15 did the following things, isn't it correct, you spoke to the  
16 media two or three times?

17 A At least.

18 Q You gave a sworn statement to the PAWS attorney?

19 A Yes, sir.

20 Q Correct?

21 A Yes, sir.

22 Q You gave a statement to a congressional committee about  
23 Ringling Brothers' elephants, correct?

24 A Yes, sir.

25 Q You gave an affidavit to the USDA about Ringling



1 Brothers' elephants, correct?

2 A Yes, sir.

3 Q And you became a plaintiff in this case; isn't that also  
4 true?

5 A Yes, sir.

6 Q And other than what we just listed, did you do anything  
7 else in that time frame for the money that PAWS paid you?

8 A Other than what I already said was, you know, up there,  
9 opening the gate, watering a few bamboo plants.

10 Q That didn't happen until you got to San Andreas, though,  
11 didn't it?

12 A Excuse me?

13 Q That didn't happen until you got to San Andreas, did it?

14 A No, not till San Andreas.

15 Q Between March 25<sup>th</sup> of 2000 and February of 2001.

16 A Okay.

17 Q You spoke to the media two or three times, correct?

18 A Yes.

19 Q You gave a statement to a PAWS attorney under oath about  
20 Ringling Brothers' elephants, correct?

21 A Yes, sir.

22 Q You spoke to Congress about Ringling Brothers' elephants,  
23 correct?

24 A Yes.

25 Q You gave an affidavit to the USDA about Ringling

1 Brothers' elephants, correct?

2 A Yes.

3 Q You became a plaintiff in this lawsuit?

4 A Yes.

5 Q And you didn't do anything else for the money that was  
6 paid to you, did you?

7 A Well, I did help around there a little bit, you know, if  
8 they needed some help but nothing -- nothing else.

9 Q You had no job at the time, did you?

10 A Oh, no, sir.

11 Q You were unemployed?

12 A Yes, sir.

13 Q Now, when you had -- when you became a plaintiff in this  
14 case, was it your understanding that you would have to pay  
15 attorney's fees to your lawyers?

16 A No, sir.

17 Q You're being represented for free; is that right?

18 A No, sir.

19 Q You don't have to pay any costs?

20 A Not that I'm aware of.

21 Q Have you ever paid costs in this case?

22 A No, sir.

23 Q In February of 2001, you moved to the property that PAWS  
24 owned in San Andreas, California, correct?

25 A Yes, sir.

1 Q You lived up there in a trailer?

2 A A motor home.

3 Q A motor home. They provided that to you rent free; isn't  
4 that true?

5 A Yes, sir.

6 Q And every so often they would send you a check for --  
7 between 185 and \$200, correct?

8 A Yes, sir.

9 Q You used that to buy food and gas for the generator on  
10 the trailer, correct?

11 A Yes, sir.

12 Q And in return, you watered the bamboo, you fed turkeys,  
13 and you watched the gate, correct?

14 A Yes, sir.

15 Q That wasn't really a job, was it?

16 A Not -- you know, I don't -- as much as -- there was no  
17 animals out there to care for, so that's what I had to do.

18 Q Well, it wasn't a real job, sir, was it?

19 A No, it wasn't a real job.

20 Q Now, at a point in time in 2001, I think you testified in  
21 direct, May of 2001, you had to leave your -- you had to end  
22 your relationship with PAWS, correct?

23 A Yes.

24 Q And at that point in time it was important that you no  
25 longer be on PAWS' payroll; isn't that right?

1 A Yes, sir.

2 Q And in fact, you wrote a letter to Ms. Derby that said  
3 exactly that, didn't you?

4 A Yes, sir.

5 Q Let's pull up Defendant's 39. Do you recognize this,  
6 sir, Defendant's Exhibit 39, as the letter I just referenced?

7 A Yes, sir.

8 Q These are your words; is that correct?

9 A Yes, sir.

10 Q You wrote this letter yourself?

11 A Yes, sir.

12 Q You used the word, "security job at PAWS," correct?

13 A Yes, sir.

14 Q Moving on down in the letter, you use the word "payroll  
15 at PAWS," correct?

16 A Yes, sir.

17 Q Those are true statements, were they not?

18 A Excuse me?

19 Q Those were true statements, were they not?

20 A Yes, sir.

21 Q You also make reference in here that you'd be fired from  
22 PAWS if you spoke out against Ringling Brothers, correct?

23 A Yes, sir.

24 Q That was also true, wasn't it?

25 A Yes, sir.

1 Q Now, between the period March 25<sup>th</sup>, 2000 when you  
2 arrived in the United States from London and the date of this  
3 letter, May 14, 2001, you had no source of support from  
4 anybody other than the Performing Animal Welfare Society;  
5 isn't that correct?

6 A Yes.

7 Q They actually sent you tax documents indicating the  
8 amounts of money that had been paid to you; isn't that right?

9 A I believe so.

10 Q All right. Well, I would like to turn your attention,  
11 sir, to Defendant's Exhibit 56. Do you recognize this as a  
12 1099 that PAWS sent you for money paid to you in the year  
13 2000?

14 A Yes, sir.

15 Q And Block 7 indicates "Nonemployee Compensation" of  
16 \$2,691.67; do you see that?

17 A Yes, sir.

18 Q That's a true number, isn't it?

19 A Yes, sir.

20 Q You actually were paid that money; is that correct?

21 A Yes, sir.

22 Q If I could turn your attention, sir, to Defendant's  
23 Exhibit 57, which is entitled "An Internal Revenue Service  
24 Wage" -- well, go back. Let me get it for the record.

25 "Internal Revenue Service Wage and Income Transcript." Do you

1 recognize this document?

2 A Yes, sir.

3 Q We showed you -- I showed this to you in your deposition,  
4 didn't I?

5 A Yes, sir.

6 Q This indicates that the Performing Animal Welfare Society  
7 paid you wages, tips and other compensation in the year 2001  
8 of \$2,492; is that correct?

9 A Yes, sir.

10 Q And that's an accurate number, is it not?

11 A Yes, sir.

12 Q Now, after the -- after you left PAWS or after you ended  
13 your relationship with PAWS, you had to move out of that  
14 trailer, correct?

15 A Yes, sir.

16 Q At that point in time, you didn't have any other source  
17 of income, did you?

18 A No, sir.

19 Q You didn't go get a job, correct?

20 A Correct.

21 Q It was decided that you would continue to do the same  
22 thing after the PAWS relationship ended that you had been  
23 doing for PAWS; isn't that true?

24 A Yes, sir.

25 Q That decision was made by your lawyer Ms. Meyer; isn't

1 that right?

2 A I brought it up.

3 Q Well, she made that decision; isn't that true?

4 A Yes, sir.

5 Q Now, the money that PAWS had been paying you stopped in  
6 May 2001; isn't that right?

7 A Yes, sir.

8 Q And -- but the money that you needed to continue,  
9 continued to be paid to you; isn't that right? That's a bad  
10 question.

11 THE COURT: It is.

12 Q (BY MR. SIMPSON) The money from PAWS stopped, correct?

13 A Yes, sir.

14 Q But you continued to be paid; isn't that true?

15 A Not from PAWS, no.

16 Q Well, you continued to receive money after May of 2001;  
17 isn't that right?

18 A Yes, sir.

19 Q That money was paid to you by the law firm of Meyer,  
20 Glitzenstein & Crystal; isn't that true?

21 A Yes, sir.

22 Q You were going to be paid enough money to buy a bus pass  
23 and travel around the country, correct?

24 A Yes, sir.

25 Q At least in the initial part of this, \$250 a week; wasn't

1 that the number?

2 A It was either 50 -- it went from 50 up to 250. It varied  
3 in the beginning.

4 Q And at that point in time you had no other source of  
5 income other than the money that was being paid to you by that  
6 law firm; isn't that true?

7 A Yes, sir.

8 Q And that law firm represents you in that case; isn't that  
9 right?

10 A Yes, sir.

11 Q How many days passed between the time you went from PAWS  
12 to the payments by Meyer, Glitzenstein & Crystal?

13 A I want to say three, four.

14 Q Three or four days; isn't that right?

15 A Yeah.

16 Q Now, after you left PAWS and once you were being paid by  
17 Meyer, Glitzenstein & Crystal, there came another point in  
18 time when an entity called the Wildlife Advocacy Project paid  
19 you; isn't that right?

20 A Yes, sir.

21 Q And that is an organization that's run by Ms. Meyer;  
22 isn't that true?

23 A Yes, sir.

24 Q Also Eric Glitzenstein. Isn't he involved in that  
25 organization?



1 A Yes, sir.

2 Q And at the point in time in which it was decided that you  
3 would be paid through the Wildlife Advocacy Project, whose  
4 idea was that?

5 A That would have been probably Kathy.

6 Q Ms. Meyer, correct?

7 A Yes, sorry, Ms. Meyer.

8 Q When those payments started, it started out at \$250 a  
9 week; isn't that true?

10 A Best I can remember, yes.

11 Q And at some point you got a van provided by your  
12 daughter; isn't that right?

13 A Yes.

14 Q And the payments increased to \$500 a week; isn't that  
15 right?

16 A Not at the very beginning of it. I believe it was a  
17 little bit later when -- okay. 250 was -- I had \$500 every  
18 two weeks, and then it came -- became \$500 a week.

19 Q And then it ultimately became \$1,000 every two weeks,  
20 correct?

21 A Yes, sir.

22 Q And at some point in time the first van gave out and you  
23 got another van, correct?

24 A Yes, sir.

25 Q And that van was purchased -- the money for purchasing

1 that van was given to you by the Wildlife Advocacy Project;  
2 isn't that true?

3 A I got a grant from them, yes.

4 Q All right. Let me direct your attention to Defendant's  
5 Exhibit 37. Do you recognize this document, sir?

6 A Yes, sir.

7 Q As an April 12, 2005 letter or memorandum to you from  
8 Ms. Meyer?

9 A Yes, sir.

10 Q And she enclosed a check for \$5500 to purchase a van, a  
11 used van to continue to travel around the country to cities  
12 where Ringling Brothers and Barnum & Bailey Circus performs  
13 and to continue your efforts to educate the public about the  
14 mistreatment of Asian elephants by Ringling Brothers?

15 A Yes, sir.

16 Q Is that what happened; is that true?

17 A Yes, sir.

18 Q You use this money to buy that van?

19 A Yes, sir.

20 Q And that's what you're doing with the money, correct?

21 A Yes, sir.

22 Q And you've done that ever since you bought this van in  
23 2005 until today, correct?

24 A Yes, sir.

25 Q You're only using it to do that, right, no other purpose?

1 A No, sir.

2 Q Now, at some point -- when you first started with the  
3 Wildlife Advocacy Project, they would send you checks by  
4 Federal Express, correct -- I mean, excuse me, by Western  
5 Union? They would send you the money by Western Union?

6 A Yes, sir.

7 Q And at some point it turned to Federal Express  
8 deliveries, correct?

9 A Yes, sir.

10 Q These would be delivered to the various places where you  
11 were located, right?

12 A Wherever there was a -- yes, sir.

13 Q When payments first began after PAWS through Meyer,  
14 Glitzenstein & Crystal, they would come to you in the initial  
15 days when you were living with Pat CuvIELLO, correct?

16 A No, sir, prior to that.

17 Q All right. Was there a point in time when you lived with  
18 Mr. CuvIELLO?

19 A Yes, sir.

20 Q And was that after you left PAWS?

21 A Yeah.

22 Q And at some point while you were living with  
23 Mr. CuvIELLO, money came to that place for you?

24 A Oh, yes, sir.

25 Q Is that true?

1 A Yes, sir. Three days, but...

2 Q And when the Federal Express deliveries began from  
3 Wildlife Advocacy Project to you, sometime in August of 2005  
4 you began to get cover letters for these checks; isn't that  
5 right?

6 A Yes, sir.

7 Q And these cover letters came from Eric Glitzenstein who's  
8 the president of Wildlife Advocacy Project; isn't that right?

9 A Yes, sir.

10 (LOUD NOISE.)

11 THE COURT: What's that?

12 THE DEPUTY CLERK: Counsel, I am going to shut the  
13 system down and start over.

14 (PAUSE.)

15 THE COURT: This is probably a good time to take a  
16 recess. We'll take a 15-minute recess. How much longer -- I  
17 am not trying to curtail your examination. How much longer do  
18 you need?

19 MR. SIMPSON: I think it's going to be a couple of  
20 hours, Your Honor.

21 THE COURT: Couple hours. All right. That's fine.  
22 I'll let you ask a question, too, regarding the objection we  
23 discussed. I asked a follow-up question but just be tasteful  
24 in how you approach that subject. I recognize credibility is  
25 in issue, all right. I'll let you ask a question or two.

1 We'll take a 15-minute recess, though. You don't have to sit  
2 there but you can't talk about your testimony.

3 THE WITNESS: Yes, Your Honor.

4 (A BRIEF RECESS WAS TAKEN.)

5 THE DEPUTY CLERK: Please remain seated and come to  
6 order.

7 THE COURT: Go right ahead, Counsel.

8 Q (BY MR. SIMPSON) Mr. Rider, I'm going to return to a  
9 subject that we visited a little bit earlier on in the  
10 afternoon.

11 Is it true, sir, that within two weeks or so after  
12 joining Ringling Brothers, you had determined you were in the  
13 wrong place?

14 A Excuse me.

15 Q Well, two weeks or so after you joined the job, you  
16 recognized that it was not the place for you; isn't that true?

17 A No, I wouldn't put it that way. No, I would say --

18 Q Early in your tenure with Ringling Brothers, you  
19 discovered that they were treating the elephants in a way you  
20 disagreed with, correct?

21 A Yes, sir.

22 Q And there were several people that you say were doing  
23 that; isn't that right?

24 A Yes, sir.

25 Q And one of those person was a gentleman named Andy

1 Weller; isn't that right?

2 A Yes, sir.

3 Q You saw the way he treated the elephants, and you didn't  
4 like it; isn't that true?

5 A Yes, sir.

6 Q And about a year after you started working at Ringling  
7 Brothers, your daughter came to work with Ringling Brothers,  
8 correct?

9 A Yes, sir.

10 Q And she became involved with Mr. Weller; isn't that true?

11 A Yes, sir.

12 Q You didn't like that, did you?

13 A I never said anything about not liking it or disliking  
14 it.

15 Q You didn't care one way or the other?

16 A No, it was my daughter.

17 Q And ultimately, Mr. Weller became the father of your  
18 grandson; isn't that true?

19 A Yes, sir.

20 Q And you don't really like him today, do you?

21 THE COURT: But you say him, who?

22 MR. SIMPSON: Weller.

23 MS. MEYER: I'm going to object, Your Honor. I just  
24 think this is totally irrelevant.

25 THE COURT: It goes to bias, motive, it's fair.

1 Q (BY MR. SIMPSON) You don't like him, do you?

2 A I don't know where he's at. I don't have no reason not  
3 to like him.

4 Q But if you -- if you knew where he was at, you would find  
5 him, correct?

6 A If I knew where he was at, yes.

7 Q Because he hasn't paid the child support that you think  
8 is owed; isn't that true?

9 A Yes, sir.

10 Q Now, Mr. Rider, turning your attention back to the period  
11 of time in which you were being paid money by the Wildlife  
12 Advocacy Project, I'd like to direct your attention to  
13 Defendant's Exhibit 53, page 4.

14 When you received checks from WAP, did they come in  
15 a Federal Express or other envelope with a letter like what  
16 I've just put on the screen?

17 A Yes, sir.

18 Q And these letters, to the best of your knowledge, began  
19 in August of 2005; isn't that correct?

20 A The best of my knowledge, yes.

21 Q And they were signed by Eric Glitzenstein; is that  
22 correct?

23 A Yes, sir.

24 Q Now, my -- this entity, Wildlife Advocacy Project paid  
25 you money continuously from 2002 until the present time; isn't

1 that right?

2 A Yes, sir.

3 Q And they have paid you roughly \$1,000 every two weeks up  
4 until this month, correct?

5 A Yes, sir.

6 Q So after January of 2008, when discovery in this case  
7 ended, did they continue to pay you \$1,000 every two weeks?

8 A Yes, sir.

9 Q And that continued without fail, did it not?

10 A Yes, sir.

11 Q Now, you received tax forms called 1099s from the  
12 entities that paid you money; isn't that right?

13 A Yes, sir.

14 Q And you received a 1099 from Meyer, Glitzenstein &  
15 Crystal; is that true?

16 A Yes, sir.

17 Q And you received 1099s from the WAP; isn't that right?

18 A Yes, sir.

19 Q And when I refer to WAP, I'm just trying to shorten this  
20 from Wildlife Advocacy Project, correct?

21 A Right.

22 Q You understand that, correct?

23 A Yes, sir.

24 Q All right. Let me direct your attention to Defendant's  
25 Exhibit 55. You recognize this, sir, as a 1099 that was sent



1 to you by Meyer Glitzenstein for the tax year 2001?

2 A Yes, sir.

3 Q Is it true, sir, that that law firm paid you \$8,781 in  
4 nonemployee compensation in the year 2001?

5 A Yes, sir.

6 Q Let me show you, sir, what is marked for identification  
7 as Defendant's Exhibit 54 at page 1. You recognize this as a  
8 Form 1099-Miscellaneous from the Wildlife Advocacy Project for  
9 the year 2002?

10 A Yes, sir.

11 Q Is it true, sir, that that organization paid you  
12 \$7,773.34 in nonemployee compensation in 2002?

13 A Yes, sir.

14 Q Let me direct your attention to page 2 of this exhibit.  
15 You recognize this as a 2003 1099 from the WAP?

16 A Yes, sir.

17 Q Is it true that that entity paid you \$7,336 in  
18 nonemployee compensation in 2003?

19 A Yes, sir.

20 Q Let me direct your attention to page 3. You recognize  
21 this as a 1099-Miscellaneous for the year 2004 from the WAP?

22 A Yes, sir.

23 Q Is it true that that entity paid you \$23,940 in 2004?

24 A Yes, sir.

25 Q Let me refer you to page 4 of Exhibit 54. You recognize

1 this as a 2005 1099 from the WAP?

2 A Yes, sir.

3 Q Is it true that that organization paid you \$33,600 in  
4 nonemployee compensation in 2005?

5 A Yes, sir.

6 Q Let me show you page 5 of this exhibit. Do you recognize  
7 this as a 2006 1099 from the WAP?

8 A Yes, sir.

9 Q Is it true that that entity paid you \$32,900 in 2006?

10 A Yes, sir.

11 Q And finally, if I could turn your attention to page 8 of  
12 this exhibit, 2007. You recognize this, sir, as a 2007 1099  
13 from WAP?

14 A Yes, sir.

15 Q Is it true that that entity paid you \$25,700 in 2007; is  
16 that correct?

17 A Yes, sir.

18 Q And you indicated, I think, earlier that those payments  
19 continued in 2008?

20 A Yes, sir.

21 Q Have you gotten a 1099 for 2008?

22 A Yes, sir.

23 Q What is the number of --

24 A Excuse me. Yes. I don't -- I don't know the number on  
25 it yet. I did receive it.

1 Q Do you -- can you estimate how much you were paid in 2008  
2 by the WAP?

3 A Yes. I think it was around 25,000, pretty close to that  
4 number there.

5 Q Now --

6 A Pretty close to that.

7 Q Is it true, sir, that between 2001, when you left PAWS  
8 and today, you have no source of financial support other than  
9 the money that has been paid to you by either Meyer,  
10 Glitzenstein & Crystal or the Wildlife Advocacy Project?

11 A Other than the grants, that's right.

12 Q And you call that money grants, correct?

13 A Yes, sir.

14 Q But other than as you say grants by those two entities,  
15 you have no other source of support, do you?

16 A No, sir.

17 Q Now, in 2003, sir, is it true -- well, first of all,  
18 during that same time frame, 2002 until the present date, you  
19 not held a job, have you?

20 A No, sir.

21 Q In 2003, however, you could have had a job, could you  
22 not, with one of the Plaintiffs in this case; isn't that  
23 right?

24 A No, sir.

25 Q Do you know that the -- an entity called the Fund for

1 Animals is a Plaintiff in this lawsuit?

2 A Yes, sir.

3 Q Did you know that the Fund for Animals operates a  
4 facility called the Black Beauty Ranch?

5 A Yes, sir.

6 Q And that ranch is located in Texas?

7 A Yes, sir.

8 Q In 2003 that ranch had an Asian elephant, did it not?

9 A Yes, sir.

10 Q And it had an African elephant, did it not?

11 A I'm not sure. I know it had an Asian.

12 Q It had an Asian elephant, did it not? And you were  
13 offered a job to work there; isn't that true?

14 A No, sir.

15 Q You were not offered a job?

16 A No, sir, I was --

17 THE COURT: You were what?

18 THE WITNESS: I was told there was a position open,  
19 I could come to Texas and apply for it, but I was not said you  
20 had the job, no.

21 Q (BY MR. SIMPSON) The job was available and you could have  
22 had it if you wanted it, correct?

23 A No, sir, I would have to apply like anybody else.

24 Q Let me refer you to Defendant's Exhibit 20 at pages 53 to  
25 54, which is a supplemental answer to Interrogatory No. 16 by

1 the Plaintiff in this case, the Fund for Animals. And let me  
2 just read this to you, Mr. Rider.

3 MS. MEYER: Objection, Your Honor, this is an  
4 interrogatory response by -- not by Mr. Rider but by another  
5 party in this case.

6 MR. SIMPSON: It's a party admission and also I  
7 could use it to refresh his recollection.

8 THE COURT: Is the Fund a Plaintiff?

9 MS. MEYER: Yes.

10 THE COURT: All right. It's party admission, and  
11 you can -- you can refresh, if appropriate.

12 MR. SIMPSON: All right.

13 Q (BY MR. SIMPSON) Let me just read this, Mr. Rider.

14 (Reading) The Fund supplements its answer to this interrogatory  
15 by stating that in addition to the communications discussed in  
16 the Fund's original interrogatory responses, former Fund  
17 employee D.J. Schubert also had a single telephone conversation  
18 with Tom Rider concerning a possible job at the Fund's animal  
19 sanctuary, Black Beauty Ranch.

20 (Reading) Mr. Schubert doesn't recall exactly when  
21 this conversation took place but he believes it was in 2003.  
22 He told Mr. Rider there was an opening at the ranch and that  
23 someone with Mr. Rider's experience would be a good fit.  
24 Mr. Rider declined the job offer on the grounds that he needs  
25 to continue to stay on the road to tell people about what goes

1 on at the circus.

2 (Reading) Mr. Schubert further recalls that he  
3 suggested that maybe Mr. Rider could work at Black Beauty on a  
4 part-time basis but that Mr. Rider declined that suggestion as  
5 well and said he is more interested in continuing his public  
6 education efforts throughout the country.

7 Does that refresh your recollection about what  
8 happened with Mr. Schubert in that job offer, sir?

9 A Yes, sir.

10 Q Is that incorrect what I just read?

11 A No, sir. He said he had a possible job, and I declined  
12 it. I didn't go down there to apply for it.

13 Q Now, is it your expectation, sir, that you will continue  
14 to be paid money by the Wildlife Advocacy Project after this  
15 lawsuit is over?

16 A No.

17 Q So once the case is over, the payments stop; isn't that  
18 true?

19 A Yes, sir, unless, you know, we come out on -- if we  
20 prevail. But if we don't prevail, it could continue.

21 Q But as far as you're concerned, when the litigation is  
22 over, the money stops, true?

23 A Basically, yes.

24 Q All right.

25 THE COURT: I'm sorry, that's not what you just

1 said, though. You said if you prevail, then the money won't  
2 stop, right? Is that what you just said?

3 THE WITNESS: I meant if --

4 THE COURT: What did you just say? I just want to  
5 make sure I understood you.

6 THE WITNESS: Okay. If we were to prevail, then I  
7 would be able to go see my elephants somewhere. If we didn't  
8 prevail, then I may have to continue the media efforts.

9 Q (BY MR. SIMPSON) All right. Let me direct your  
10 attention, sir, to page 487 of your deposition in 2007. I  
11 direct your attention to line 9. Actually move up two lines.  
12 Two lines. Keep -- line 6.

13 (Reading) Question: What was your understanding of  
14 how that was going to work?

15 (Reading) Answer: Western Union, in the  
16 beginning --

17 (Reading) Question: How long were the payments to  
18 last?

19 (Reading) Answer: That could be when -- as long as  
20 we had the grant money.

21 (Reading) Question: So as far as you were  
22 concerned, it was to last -- it was forever?

23 (Reading) Answer: No.

24 (Reading) Question: Did you have an expectation  
25 that the money would end when the lawsuit was over?

1 (Reading) Answer: Well, obviously.

2 (Reading) Question: As long as this lawsuit was  
3 pending, you would get this money from WAP?

4 (Reading) Answer: No.

5 (Reading) Question: Well, let's put it this way:  
6 If the lawsuit was over tomorrow, would you still expect to  
7 get paid by WAP?

8 (Reading) Answer: No.

9 Did I read that correctly?

10 A Yes, sir.

11 Q Now, in -- when you answered your interrogatories in this  
12 case, do you recall that one of the questions that was asked  
13 to you by the Defendant was to describe and state the money  
14 that had been paid to you, if any, by animal advocates; you  
15 recall that question?

16 A Yes, sir.

17 Q All right. Well, let me refer you to the answer you gave  
18 to that interrogatory in 2004, which is our Exhibit 16 at page  
19 39. We need the question, too.

20 Now, you recall answering this interrogatory, sir?

21 A No. 24?

22 Q No. 24.

23 A Yes, sir.

24 Q And the answer you gave was under oath, was it not?

25 A Yes, sir.



1 Q And the question has been read once before, so I'll just  
2 read the answer and objection to No. 24.

3 (Reading) Mr. Rider objects to this question on the  
4 grounds that it seeks information that is irrelevant,  
5 oppressive and vexatious. Mr. Rider further objects to this  
6 interrogatory on the ground that it seeks privileged  
7 information that is protected by his right to privacy and  
8 would infringe on his freedom of association.

9 (Reading) Subject to and without waiving the  
10 foregoing or general objections to these interrogatories and  
11 subject to a confidentiality agreement, Mr. Rider would be  
12 willing to provide Defendants with the answer to first  
13 sentence of this interrogatory.

14 Okay. Have I read that correctly?

15 A Yes, sir.

16 Q And the first sentence of this interrogatory was,  
17 (reading) Identify all income, funds, compensation or other  
18 money or items, including, without limitation, food, clothing,  
19 shelter or transportation you have ever received from any  
20 animal advocate or animal advocacy organization.

21 So you objected to that; is that what this means?

22 A Yes.

23 Q That's your understanding?

24 A Yes, that's --

25 Q And then the second sentence was --

1 MS. MEYER: Objection, Your Honor, that just  
2 completely misstates what Mr. Rider says in response to that.

3 THE COURT: Well, read it. Take a look at it. Read  
4 it carefully, Mr. Rider, and then if you want him to repeat  
5 the question you can -- Ask the question again, Counsel.  
6 What's your question?

7 Q (BY MR. SIMPSON) You objected in that first paragraph to  
8 the first sentence of this interrogatory, did you not, that I  
9 just read?

10 MS. MEYER: And objection, Your Honor, because the  
11 rest of the response says that subject to a protective order  
12 he would provide all of the information --

13 THE COURT: He can answer it. He can testify. Read  
14 the answer and then respond to his question.

15 THE WITNESS: Could you please just ask the question  
16 again so I have it clear.

17 THE COURT: Counsel, the answer does speak for  
18 itself. It's in the record. Ask him a question about his  
19 understanding of that.

20 Q (BY MR. SIMPSON) All right. Well, let me ask you this  
21 question. As to the second part of your answer, you say  
22 (reading) Subject to and without waiving the foregoing or  
23 general objections to these interrogatories, Mr. Rider provides  
24 the following answer to the second sentence of this  
25 interrogatory, colon, I have not received any such compensation.

1           Have I read that correctly?

2     A    Yes.

3     Q    And the second sentence of this interrogatory states,  
4 (reading) If the money or items were given to you as  
5 compensation for services rendered, describe the services  
6 rendered and the amount of compensation.

7           Have I read that correctly?

8     A    Yes, sir.

9     Q    So you told us that you had not received such  
10 compensation; isn't that right?

11    A    No, sir, I believe we gave you everything.

12           THE COURT: Let me ask you this: What did you  
13 intend -- when you signed your name to that answer, what did  
14 you intend by that response, "I have not received any such  
15 compensation," what did you mean by that?

16           THE WITNESS: Well, I believe it was for when he  
17 talks about services rendered. I didn't look at it -- I never  
18 looked at it doing this as a job. I looked at it as doing a  
19 service. I was speaking for the elephants. So that would be  
20 the reason I'd say I had no such compensation because it -- it  
21 looks like I'm saying, "Oh, yes, I would do this." I wasn't  
22 getting paid to do this, so that would be my answer to that.  
23 The first part --

24           THE COURT: You weren't getting paid to do it. So  
25 the money was being paid to you for what purpose?

1           THE WITNESS: To -- for all my expenses to go around  
2 and do my media, my public service, speaking to legislature  
3 and things like that. That part of it I did not consider a  
4 job; henceforth, I didn't think it -- I didn't consider it  
5 compensation.

6           I may be -- I'm only a person. Maybe I don't  
7 understand that part of it, but that's why I would say I did  
8 not receive any compensation.

9           THE COURT: All right.

10          THE WITNESS: As far as payment for doing it.

11          Q     (BY MR. SIMPSON) But at the time this interrogatory was  
12 answered in 2004, you had been paid money by PAWS, correct?

13          A     I had been given grants by PAWS.

14          Q     They were in the form of money, were they not?

15          A     Yes, it was.

16          Q     And you had received money from Meyer, Glitzenstein &  
17 Crystal, correct?

18          A     Yes, sir.

19          Q     And you received money from the Wildlife Advocacy  
20 Project, correct?

21          A     Yes, sir.

22          Q     At some point in this case, the judge overruled your  
23 objections to this interrogatory, didn't he?

24          THE COURT: I don't know if he can answer that one.  
25 Maybe you should ask -- that calls for a legal conclusion.

1 Q (BY MR. SIMPSON) Well, at some point in time, Mr. Rider,  
2 you provided another answer to this interrogatory, did you not?

3 A Yes, sir.

4 Q That came in September of 2007, did it not?

5 A Yes, sir.

6 Q And let me pull that up to refresh your recollection.

7 It's our Defendant's Exhibit 16 at pages 75 through 78. You  
8 can look at Interrogatory No. 24. It's that same question and  
9 now there's an answer provided. Do you see that?

10 A Yes, sir.

11 Q And take your time to read the answer, sir. We can  
12 scroll through it and I want you to tell me when we move to  
13 the next page.

14 A Okay.

15 Q All right. Next page.

16 A Okay. Okay. Okay. Okay. Okay.

17 Q Mr. Rider, this answer that we put on the screen to this  
18 Interrogatory No. 24, this supplemental answer was made by you  
19 under oath, was it not?

20 A Yes, sir.

21 Q So you swore to it under penalties of perjury, correct?

22 A Yes, sir.

23 Q And none of the information that's provided in this  
24 interrogatory was in the previous answer, was it, in 2004?

25 A No, sir.

1 Q And this indicates payments not only from this answer --  
2 payments are not only from PAWS and Meyer, Glitzenstein &  
3 Crystal and Wildlife Advocacy Project but also the Plaintiffs  
4 in this lawsuit; isn't it true?

5 A Yes, sir.

6 Q Let's go back to the preceding page.

7 MR. SIMPSON: And just blow that up, please, that  
8 middle part.

9 Q (BY MR. SIMPSON) And here you listed the payments that  
10 had been paid to you by the American Society for the Prevention  
11 of Cruelty to Animals, correct?

12 A Yes, sir.

13 Q The Animal Welfare Institute, correct?

14 A Yes, sir.

15 Q And the Fund for Animals, correct?

16 A Yes, sir.

17 Q And the Animal Protection Institute, correct?

18 A Yes, sir.

19 Q Now, at the time I took your deposition in October of  
20 2006, I asked you questions about these subjects, did I not?

21 A Yes, sir.

22 Q And at that time I asked you whether you had filed tax  
23 returns about -- with respect to these years, correct?

24 A Yes, sir.

25 Q And at that time you hadn't done so; isn't that right?

1 A Right.

2 Q Subsequent to the deposition, however, you did file those  
3 tax returns, correct?

4 A Yes, sir.

5 Q And you did so because you were advised by lawyer Skadden  
6 Arps to do it, correct?

7 A No, sir, I was -- he was my lawyer.

8 THE COURT: I'm sorry?

9 THE WITNESS: He was my lawyer from Skadden Arps.  
10 He didn't say file. I said I need to file my taxes when I  
11 realized that you don't -- you have to pay taxes on grants. I  
12 wasn't aware of that.

13 Q (BY MR. SIMPSON) All right. If I could refer you, sir,  
14 to page 542 of your 2007 deposition, line 17.

15 (Reading) Question: Why did you file these  
16 returns?

17 (Reading) Answer: I filed them because you brought  
18 up the fact that I had not filed my income tax and I wasn't  
19 aware that a grant was taxable. So I consulted with a tax  
20 attorney who said, yes, file. And I immediately filed returns  
21 for the past, I believe, what? Six years.

22 Have I read that correctly?

23 A Yes, sir.

24 Q And these tax returns that you filed were all signed  
25 under penalties of perjury, were they not?

1 A Yes, sir.

2 Q In each of these returns that you filed with the federal  
3 government, you listed your occupation as an advocate, did you  
4 not?

5 A Yes, sir.

6 Q And you also filed with those returns a document that  
7 stated that your principal business or profession was advocate  
8 service, correct?

9 A Yes, sir.

10 Q And when you filed these returns, it turned out that you  
11 owed money on some of the years; isn't that right?

12 A Yes, sir.

13 Q And at the time I took your deposition in 2007, you had  
14 not paid those amounts, correct?

15 A No, sir.

16 Q And you didn't have the money at the time to pay those  
17 amounts, did you?

18 A No.

19 Q Have you paid those taxes since then?

20 A Yes, sir.

21 Q And how have you done that?

22 A Is -- through a -- it's called "Offer of Compromise."

23 Q Are you using the money from the Wildlife Advocacy  
24 Project to make those payments?

25 A No, that was paid for by friends. They just paid. All



1 my taxes are paid.

2 Q Do you still have a tax lien against you in the state of  
3 Florida?

4 A No, sir.

5 Q You discharged that tax lien?

6 A Yes, they did.

7 Q And that tax lien, before you discharged it, was in the  
8 amount of \$14,941, was it not?

9 A Yes, sir.

10 Q Now, let me turn your attention, sir, back to the time at  
11 which you worked at Ringling Brothers. You testified earlier  
12 that you were the afternoon barn man; is that correct?

13 A Yes, sir.

14 Q And your shift was between 3:30 in the afternoon to  
15 10:30 at night, correct?

16 A Yes, sir.

17 Q And your job was to water the elephants, correct?

18 A If they needed it.

19 Q Give them hay?

20 A Yes, sir.

21 Q Do the feed-out?

22 A Yes, sir.

23 Q And clean up their waste?

24 A Yes, sir.

25 Q And you did all of these things under someone else's

1 supervision; is that true?

2 A Yes, sir.

3 Q You're not an elephant handler, are you?

4 A That's a term used by Ringling. I would say I handled  
5 the elephants, but I -- I'd say, yes and no. That's kind of a  
6 two-point question.

7 Q You never handled any of the elephants with a bull hook,  
8 did you?

9 A No, sir.

10 Q And you never gave any of the elephants any commands when  
11 they were not on the chains; is that true?

12 A Oh, sometimes they were off the chains I have given them  
13 commands.

14 Q All right. Well, let me turn your attention --

15 A Usually not.

16 Q I'm sorry. Let me turn your attention to page 268 in  
17 your 2007 deposition, line 16.

18 (Reading) Question: Did Tom Rider ever handle  
19 elephants by himself at Ringling Brothers?

20 (Reading) Answer: Not off the chain.

21 Did I read that correctly?

22 A Yes, sir.

23 Q Now, you indicated earlier that you had actually given  
24 voice commands to some of these elephants; is that right?

25 A Yes, sir.

1 Q You were able to get these elephants to lie down solely  
2 by voice command, correct?

3 A Yes, sir.

4 Q They were on chains but they could lie down on voice  
5 command, right?

6 A Yes, sir.

7 Q And you used voice commands to lay down the elephant  
8 Lutzi; is that right?

9 A Yes, sir.

10 Q And Mysore; is that right?

11 A Yes, sir.

12 Q And Susan?

13 A Yes, sir.

14 Q And Zina, correct?

15 A Yes, sir.

16 Q When you went to Europe with Daniel Raffo, you could lay  
17 the three Chipperfield elephants down solely by voice command,  
18 correct?

19 A Yes, somewhat, yes.

20 Q And at Ringling, you could give the command "foot up" and  
21 the elephant would raise their foot, true?

22 A Yes, sir.

23 Q Or "Move Over" and they would move over so you could  
24 sweep, correct?

25 A Yes, sir.

1 THE COURT: Excuse me one second, Counsel.

2 (PAUSE.)

3 THE COURT: I'm sorry, go ahead.

4 Q (BY MR. SIMPSON) Mr. Rider, is it appropriate for a barn  
5 man or someone tending the elephants to push the elephant with a  
6 broom to get her to move?

7 A Is it appropriate?

8 Q Yes.

9 A Yes, as long as -- you know, just put it on their foot  
10 and move their foot over a little, yeah.

11 Q You did that yourself, didn't you?

12 A Yeah, a lot of times.

13 Q And pushing an elephant on the foot with a broom is not  
14 abuse, is it?

15 A No, sir.

16 Q With respect to your testimony about the bull hook, as  
17 you indicated here this morning, did there come a time when  
18 you appeared at a legislature in Connecticut and talked about  
19 the bull hook?

20 A Yes, sir.

21 Q You remember that in March of 2005?

22 A Yes, sir.

23 Q You remember telling the Connecticut legislators there  
24 assembled that that was only the second time in your life that  
25 you had ever held a bull hook?

1 A Yes, sir.

2 Q That wasn't accurate, was it?

3 A Yes, sir, it was accurate.

4 Q Well, isn't it true, sir, that you had handled a bull  
5 hook on many prior occasions, many occasions prior to 2005?

6 A No, sir.

7 Q In fact, you had handled a bull hook at Ringling  
8 Brothers?

9 A Only picking it up and handing it to somebody.

10 Q But you had handled one, correct?

11 A I don't call that handling, no, sir.

12 Q And as a barn man, you were issued a bull hook; isn't  
13 that true?

14 A No, sir.

15 Q And you carried it around in your wheelbarrow, didn't  
16 you?

17 A No, sir.

18 Q And when you went to Europe with Daniel Raffo, you used a  
19 bull hook, true?

20 A He made me use a bull hook.

21 Q And you used it to move those elephants around, didn't  
22 you?

23 A Rarely.

24 Q But you did, didn't you?

25 A I had to.

1 Q And you moved -- used that bull hook to make -- give  
2 commands to the elephant Meena, did you not?

3 A He made me.

4 Q And you moved her around on the docks before you left the  
5 United States?

6 A No.

7 Q You were photographed doing that, weren't you?

8 A No.

9 Q All right. Let me show you Defendant's Exhibit 32. You  
10 recognize this picture, sir?

11 A Yes, sir.

12 Q Is that you in the picture here?

13 A That's me.

14 Q That's Tom Rider?

15 A Yes, sir.

16 Q And which elephant is this?

17 A I guess could be Meena.

18 Q All right. Where was this picture taken?

19 A At the docks when I worked for Raffo.

20 Q What have you got in your hand there?

21 A It's a bull hook.

22 Q It's not a sausage, correct?

23 A No.

24 Q And you're touching that elephant with the bull hook,  
25 right?

1 A Yes.

2 Q What are you doing with that elephant and the bull hook?

3 A Raffo was standing back there and Raffo -- he told me I  
4 had to use the bull hook.

5 Q And it's your testimony you're being forced to do this?

6 A Yes, sir.

7 Q And this is -- this is the only time you were  
8 photographed with forced use of a bull hook?

9 A That I know of. There could be more. Whenever I was  
10 with Raffo, I was forced to use the bull hook.

11 Q All right. Let me show you another photograph. You  
12 recognize this photograph, sir?

13 A Yes, sir.

14 Q Is that you with the back to the camera?

15 A Yes, sir.

16 Q What have you got in your hand there?

17 A Bull hook.

18 Q And you're standing guard over that elephant, aren't you?

19 A Well, he's up there. I'm back in between there.

20 Q That's a bull hook in your hand, isn't it?

21 A Yes, sir.

22 Q The same kind of bull hook that was used at Ringling  
23 Brothers, correct?

24 A I guess.

25 Q Let me show you another photograph. You recognize

1 yourself here?

2 A Yes, sir.

3 Q What are you doing with the bull hook there?

4 A Moving an animal.

5 Q All right. You are showing the elephant the bull hook,  
6 correct?

7 A Yes, sir.

8 Q Which elephant is that?

9 A Looks like Meena.

10 Q That's Meena, correct?

11 A Looks like Meena.

12 Q That's one of your girls, isn't it?

13 A Yes, sir.

14 Q And these elephants, according to your testimony, are  
15 fearful just by being shown that bull hook?

16 A Correct.

17 Q And so she's afraid of that bull hook?

18 A Yes, sir.

19 Q She's been terrorized by Tom Rider with that bull hook,  
20 correct?

21 A Not her, but I would say I was forced to use the bull  
22 hook. I didn't like doing it, but yes.

23 Q Now, is your -- is it -- when you were using this bull  
24 hook in this picture, were you suffering an esthetic injury?

25 A Yes, sir.



1 Q Okay. But you were voluntarily doing this, weren't you?

2 A No, sir.

3 Q Someone's holding a gun to your head to do this?

4 A No. Daniel Raffo, my supervisor, told me I had to do  
5 that.

6 Q Why didn't you quit?

7 A Because I was -- I thought it would all change.

8 Q Well, you are here being forced to use a bull hook  
9 against your will against one of your girls and you're doing  
10 it anyway, correct?

11 A Yes, sir.

12 Q And you went ahead and went with this man to Europe for  
13 three months, true?

14 A Yes, sir.

15 Q And continued to do exactly what's photographed here;  
16 isn't that right?

17 A Not as much over there. It did slack off because he knew  
18 I wouldn't do it.

19 Q But you still used it?

20 A It was there.

21 Q And you used it on this elephant, correct?

22 A Yes, sir.

23 Q You used it on Camella, correct?

24 A Yes, sir.

25 Q You used it at the request of his wife, correct?

1 A Yes, sir.

2 Q You testified in your deposition in 2006 that the bull  
3 hook you had with Daniel Raffo was made out of the balsa wood?

4 A Yes, sir.

5 Q And you stand by that testimony?

6 A Yes, sir.

7 Q And describe what balsa wood?

8 A It's a very light wood you make -- you make airplanes out  
9 of it, gliders. It was about this long, had a little bitty  
10 wrapped in tinfoil most of the time on the tip of it. It was  
11 given to me by a friend over in Dresden, Germany.

12 Q So you -- if you threw that balsa wood, it would sail  
13 like a glider?

14 A Well, no, if it had wings on it, but it was pretty light.

15 Q It was just as light as a glider. So it's your testimony  
16 that that bull hook was as light as a balsa wood glider; is  
17 that true?

18 A Without the top part on it, yes.

19 Q Now, when you were at Ringling Brothers, you didn't have  
20 any opportunity to observe what was going on at the Blue Unit  
21 where the elephants were kept when you weren't there; isn't  
22 that true?

23 A Well, of course, yes.

24 Q And you didn't spend any extra time around those  
25 elephants when you were not working; isn't that true?

1 A No. There was times I was down there at the arena, but  
2 most of the time, no.

3 Q Most of the time that's true. When the time came for Tom  
4 Rider to go home, Tom Rider went home, correct?

5 A Well, yeah, because the bus picks you up. You have to  
6 go.

7 Q You went back to the train, correct?

8 A On most occasions; depends on where we were.

9 Q And there came a time when you actually got a day off,  
10 right?

11 A Yes, sir.

12 Q And on your day off, you were never there, correct?

13 A That's sometimes, sometimes not, but most of the time no.

14 Q All right. So when you're on your day off, you have no  
15 idea what was going on with the elephants; isn't that true?

16 A True.

17 Q And before and after your shift started, you had no  
18 knowledge of what was going on with the elephants; isn't that  
19 correct?

20 A True.

21 Q And your shift was eight hours a day; isn't that right?

22 A It could vary, depending on where you were.

23 Q When the elephants -- when the train got to the arrival  
24 location, you had no responsibility for getting the elephants  
25 off the train, did you?

1 A It depends if I was doing the walk or not.

2 Q You had no responsibility for handling the elephants when  
3 they got off the train; is that correct?

4 A Well, I done chain them.

5 Q But you didn't get them off the train, did you?

6 A Oh, no, sir.

7 Q And when they got to train to leave, you didn't put them  
8 on the train, did you?

9 A Usually I was just doing the chaining.

10 Q And when you went -- when the elephants were walked from  
11 the train to the arena and from the arena back to the train,  
12 these were called animal walks, correct?

13 A Yes, sir.

14 Q And you went on those animal walks, correct?

15 A Yes, sir.

16 Q But you didn't walk with the elephants, did you?

17 A On a couple of occasions, but other than that, no, I  
18 walked the horses.

19 Q Typically you were with the miniature horses, correct?

20 A Yes, sir.

21 Q And you were with a horse named Elvis?

22 A Yes, sir.

23 Q You and Elvis were at the very end of the line; isn't  
24 that right?

25 A Yes, sir.

1 Q Behind the elephants?

2 A Yes, sir.

3 Q Behind the horses that were behind the elephants?

4 A Yes, sir.

5 Q And behind the ponys that you were -- that you were  
6 walking with, correct?

7 A Yes, sir.

8 Q And wasn't there usually a truck between you and the  
9 elephants?

10 A On occasions.

11 Q Now, you describe what you said you saw with respect to  
12 how the handlers at Ringling used the bull hook in your  
13 testimony on direct, but isn't it true, Mr. Rider, that these  
14 handlers would not use this hook on the elephant unless the  
15 elephant first failed to respond to a voice command?

16 A Not necessarily.

17 Q Isn't that typically how it worked, though?

18 A No.

19 Q All right. Let me refer you to your 2006 deposition at  
20 page 44, line 12. And the question here was by your counsel,  
21 (reading) And how did the elephant handlers use bull hooks?

22 (Reading) Answer: Well, they would -- let's use an  
23 example of when they come in to clean up at night. When the  
24 crew comes in, the first thing they do is they grab their bull  
25 hooks. They go back to the elephants usually with a brush in

1 their hand. At this point, they are laying the elephants  
2 down. They take the bull hook and they go up by the rear  
3 above the backbone of the elephant and start doing this with  
4 the hook part to get them to lay down.

5 (Reading) They want them to raise their foot or  
6 something, they can hook them under the knees and use the hook  
7 to get them up. If they didn't respond to a verbal demand,  
8 then there was the hook.

9 I read that correctly?

10 A Yes, sir.

11 Q Now, it's appropriate, is it not, sir, in your  
12 experience, since you spent two-and-a-half years working with  
13 the elephants, that if the elephant doesn't respond to a voice  
14 command, then the hook should be used?

15 A No.

16 Q That's not an okay thing to do?

17 A No, that's not okay to do.

18 Q All right.

19 A That's what they did. It's not okay to do.

20 Q And it's appropriate in your view, is it not, that a bull  
21 hook can be used on an elephant as long as it doesn't cause  
22 physical pain?

23 A No, sir.

24 Q All right. Let me refer you back to that same deposition  
25 at page 188, lines 1 through 10.

1           Question -- actually, it's line 4. (Reading) But  
2 you gave them the commands and had them do things like lying  
3 down and getting up?

4           (Reading) Answer: Oh, yes, I had to.

5           (Reading) And didn't need the hook to do that, did  
6 you?

7           (Reading) No, sir.

8           (Reading) Most of the time they would simply not  
9 do -- simply do what they were told based on voice command,  
10 correct?

11          (Reading) Yes, sir.

12          (Reading) And isn't it true, on occasion, that when  
13 an elephant doesn't respond to a voice, the bull hook is an  
14 appropriate way to get them to respond?

15           And there was an objection, and the question is,  
16 (reading) I'm talking about how to use a bull hook and he  
17 seems to have some experience here, so I'm asking the  
18 question. Do you want the question read back?

19          (Reading) Question: The question is, when an  
20 elephant doesn't respond to a voice command -- and I think it  
21 is your experience that most of the time they do -- that it  
22 would be appropriate to use the bull hook to get the desired  
23 response, correct?

24          (Reading) Answer: In a very, very appropriate  
25 manner --

1 (Reading) Question: And what does --

2 (Reading) -- that does not cause physical harm to  
3 the elephant.

4 Have I read that correctly?

5 A Yes, sir.

6 Q So your issue is not necessarily with the bull hook as an  
7 instrument. It's how you saw it used on the Blue Unit of  
8 Ringling Brothers Circus 12 years ago?

9 A No, sir. I say that it is -- it is -- you can't -- it's  
10 not used properly at Ringling Brothers, and I don't believe  
11 there's any way -- it would be a very, very rare case when you  
12 could use it that it would be appropriate.

13 Q Now, you made reference to a term in your direct called  
14 "hooking"; do you recall that?

15 A Yes, sir.

16 Q As you observed hooking on the Blue Unit, it didn't  
17 always break the skin, did it?

18 A Not always.

19 Q When you used the term "hitting" in your direct  
20 testimony, the hitting that you observed didn't always break  
21 the skin either, did it?

22 A No, sir.

23 Q In fact, it didn't break the skin at all, did it?

24 A On occasions.

25 Q Let me refer you to your 2007 deposition at page 683,



1 line 6.

2 (Reading) Question: Every time an elephant is hit,  
3 according to your definition of the term, does the skin break?

4 (Reading) Answer: No.

5 (Reading) Question: Does it cause a cut?

6 (Reading) Answer: No.

7 I read that correctly?

8 A Yes, sir.

9 Q Do you recall, sir, making a videotape of elephants in  
10 the Ringling Brothers Circus in 2002?

11 A Do I recall making a videotape?

12 Q Right.

13 A Which -- I recall quite a few different tapes.

14 Q Do you recall a situation at night when you made a tape  
15 in an arena with a handler leading a group of elephants into  
16 the arena?

17 A I don't remember.

18 Q All right. Well, let me see if I can refresh your  
19 recollection with Plaintiff's Exhibit 121B, and this clip  
20 appears at two hours and 22 seconds and 56 minutes through two  
21 hours 24 minutes and 13 seconds. This is the Plaintiff's  
22 Exhibit. There's no objection.

23 (VIDEO CLIP PLAYED.)

24 Q (BY MR. SIMPSON) Do you recognize this, sir?

25 A Yes, sir.

1 Q Recognize this tape?

2 A Yes, sir.

3 Q Which unit is this; do you know?

4 A Well, I'm not sure about that, whether it's Blue or Red,  
5 I'm not sure.

6 Q You recognize the person in front?

7 A No. No, I don't. Kind of looks like the -- I can't see.  
8 The color is not good enough to tell what color the head piece  
9 is so I can tell them that way.

10 Q Is this an example of hooking?

11 A Yes, sir.

12 (VIDEO CLIP PLAYED.)

13 Q (BY MR. SIMPSON) Is that your voice?

14 A Yes, sir.

15 (VIDEO CLIP PLAYED.)

16 Q (BY MR. SIMPSON) That's your voice as well?

17 A Yes, sir.

18 Q You could tell from that distance that the hook was,  
19 quote, buried in the elephant's ear?

20 A Yes, sir, from my experience.

21 Q You couldn't see that, though, could you?

22 A Yes, sir, on there I could.

23 Q You couldn't see behind that elephant's ear, could you?

24 A Not behind the elephant's ear, but I saw where the bull  
25 hook was put.

1 Q Now, in your direct testimony, sir, you did not refer to  
2 a single incident of elephant mistreatment involving the Asian  
3 elephant Jewel, did you?

4 A Not that I remember.

5 Q You didn't refer to a single elephant -- incident of  
6 elephant mistreatment with respect to the Asian elephant  
7 Lutzi, did you?

8 A Not that I remember.

9 Q Or a single incident of mistreatment with respect to the  
10 Asian elephant Mysore?

11 A Not that I remember.

12 Q You didn't refer to a single incident of mistreatment  
13 with respect to the Asian elephant Susan, correct?

14 A Not that I remember.

15 Q Now, you did mention an incident involving the elephant  
16 Karen in New Haven, Connecticut; do I have that right?

17 A Yes, sir.

18 Q And you say that Karen was beaten for 23 minutes; is that  
19 right?

20 A Yes, sir.

21 Q And it was just constant beating by Mr. Harned for 23  
22 solid minutes; is that your testimony?

23 A Yes, sir.

24 Q Did Karen bleed as a result of this?

25 A I didn't want to go up, but I know he could have got

1 some.

2 Q You couldn't see, could you?

3 A I wasn't going to go up close and look.

4 Q And isn't it true that Mr. Harned, or whoever this person  
5 was, made this elephant go through various behavior commands;  
6 isn't that right?

7 A Yes, sir.

8 Q She was made to put her foot up and put her foot down,  
9 correct?

10 A Yes.

11 Q What other commands was she made to do?

12 A Trunk up, make her hold it there, hit her on the -- you  
13 know.

14 Q And you were told, were you not, that this was  
15 discipline, correct?

16 A Yes, sir.

17 Q And it's your assumption that Karen was disciplined  
18 because she was rattling her chain, correct?

19 A Yes, sir.

20 Q You don't really know why she was disciplined, though, do  
21 you?

22 A Yes, sir, that was why.

23 Q You don't know that for a fact. You don't know what was  
24 in Mr. Harned's head, do you?

25 A No, sir, I know the situation that happened.

1 Q Now, you mentioned, I think, an incident involving the  
2 Asian elephant Nicole?

3 A Yes, sir.

4 Q Did Nicole bleed as a result of any of that -- of what  
5 you described?

6 A I'm not -- I don't remember.

7 Q You also made reference to an incident involving the  
8 elephant Zina in Richmond, Virginia; you recall that  
9 testimony?

10 A Yes, sir.

11 Q In which two handlers got Zina to lie down; is that true?

12 A Yes, sir.

13 Q And you indicated there were certain hook rings on this  
14 elephant?

15 A Yes, sir.

16 Q That you treated with Wonder Dust?

17 A Yeah, myself and I believe it was Andy at the time helped  
18 me.

19 Q But isn't it a fact, Mr. Rider, that Zina was one of  
20 elephants on the Blue Unit that never had any marks on her?

21 A She had marks then; other times, I don't know.

22 Q That was the only time, isn't it?

23 A No, there could have been -- there could have been other  
24 times.

25 Q Was the only time, wasn't it?

1 A No, sir.

2 Q Because isn't Zina one of the elephants that the handlers  
3 showed the USDA when they came in to do the inspection because  
4 she had no marks?

5 A Sometimes.

6 Q And isn't that the same case with respect to the Asian  
7 elephant Jewel?

8 A Jewel?

9 Q Jewel.

10 A Yes.

11 Q She had no marks on her either?

12 A Not at the time she was shown to the USDA.

13 Q Ever?

14 A No, she could have. There was some times. All the  
15 elephants had marks on them at one time or another.

16 Q And the same thing with respect to the Asian elephant  
17 Mysore. She was another one that was shown to the USDA  
18 because she had no marks on her, correct?

19 A No, all of them had marks some time or another.

20 Q All right. Let me refer you to a videotape, Plaintiff's  
21 Exhibit 94B, that has a Bates No. PL 178974, and this is at  
22 one hour 49 minutes and 52 seconds, to one hour 50 minutes and  
23 35 seconds. And for the record, this is a News One interview  
24 between you and an unidentified female reporter on June 28,  
25 2000.

1 (VIDEO CLIP PLAYED.)

2 Q (BY MR. SIMPSON) Now, Mr. Rider, the other elephants that  
3 you reference in that clip, also the only one that had any kind  
4 of permanent marks on her was an elephant owned by Chipperfield  
5 called Meena; isn't that true?

6 A Permanent marks maybe, but all the others had marks.

7 Q But those marks that you just referenced came and went,  
8 didn't they?

9 A Yes.

10 Q None of them were permanent?

11 A No.

12 Q They all came and went, and a couple of days they were  
13 gone, correct?

14 A Couple of them with Wonder Dust were gone in a short  
15 time, two or three days.

16 Q None of these elephants, and I'm talking about Jewel,  
17 Karen, Lutzi, Mysore, Nicole, Susan and Zina, had scars behind  
18 their ears; isn't that true?

19 A Some of them did.

20 Q Well, some of the ones I just read?

21 A Some of them did have, depends on if they -- I don't know  
22 if I'd call them permanent scars, but yes, some of them did.

23 Q All right. Well, let me refer you to page 403 of your  
24 2007 deposition, and I want you to -- refer you to line 15.

25 (Reading) Question: Were there any scars behind

1 the ears of Karen the elephant?

2 (Reading) Answer: No.

3 (Reading) Question: Were there any scars behind  
4 the ears of Nicole the elephant?

5 (Reading) Answer: No.

6 (Reading) Question: Were there any scars behind  
7 the ears of Jewel the elephant?

8 (Reading) Answer: No.

9 (Reading) Question: Of Lutzi?

10 (Reading) Answer: No.

11 (Reading) Of Mysore?

12 (Reading) Answer: No.

13 (Reading) Of Susan?

14 (Reading) Answer: No.

15 (Reading) Of Zina?

16 (Reading) Answer: No.

17 Have I read that correctly, sir?

18 A Yes.

19 Q Now, some of these elephants that I just read had scars  
20 and marks on the top of their ears, correct?

21 A Yes, sir.

22 Q And those also, however, were not permanent, were they?

23 A Some of them were.

24 Q They came and went, they none of them stayed; isn't that  
25 true?



1 A Most of the time.

2 Q All right. Well, let me refer you -- I'm sorry, I didn't  
3 mean to interrupt you.

4 A No, that's fine. I just clearing my throat.

5 Q Let me refer you to page 404 of your deposition, 2007,  
6 line 10.

7 (Reading) You indicated -- Question: You indicated  
8 you thought there might be scars on the top of the ears.

9 (Reading) Answer: Yes.

10 (Reading) You were talking about the point where  
11 the ear joins the top of the head?

12 (Reading) Answer: Yes.

13 (Reading) Question: As you just indicated with  
14 your own ear. So you were talking about the point at which  
15 your ear --

16 (Reading) Answer: -- connects with that.

17 (Reading) Question: All the way down the ear or  
18 just at the top?

19 (Reading) Answer: Both.

20 Next page. (Reading) Now, with respect to the  
21 elephant Karen, what side of her head were those scars on?

22 (Reading) Answer: Both.

23 (Reading) And what did they look like?

24 (Reading) Both --

25 (Reading) What did they look like?

1           (Reading) They looked like dirk [ph.] and crack,  
2 like skin cracking where the hook was put in at the top to  
3 pull the head down in here, right where the ear comes to that  
4 he head. It looks like if somebody had -- I want to say like  
5 cracked toes. Like if your toe would crack or something that  
6 you get split.

7           (Reading) What did they -- were they scars or  
8 marks?

9           (Reading) Some were scars.

10          (Reading) The scars, what color were they?

11          (Reading) Some were kind of gray from age, some  
12 were white. Just when they were -- you know, fresh basically.

13          (Reading) Were these permanent scars?

14          (Reading) Answer: On which?

15          (Reading) I'm talking about Karen the elephant.

16          (Reading) Karen, I don't know.

17          (Reading) Were they there the whole time you were  
18 there?

19          (Reading) Answer: No. Sometimes I wouldn't say  
20 they were permanent.

21          (Reading) Question: They came and went; is that  
22 your testimony?

23          (Reading) Answer: Yes.

24                 Was that true for Karen?

25             A    Yes.

1 Q Was that true for the other elephants, too?

2 A Yes.

3 Q Now, is it possible, sir, that what was just described  
4 was caused by the head piece that these elephants wore?

5 A No, sir.

6 Q Elephants got scratches while you were there when they  
7 were riding in the trains; isn't that true?

8 A Yes.

9 Q Elephants also got scratches because they were provided  
10 branches to play with; isn't that right?

11 A We only got branches a couple of times.

12 Q But branches were provided, were they not?

13 A Twice.

14 Q And some of these elephants could scratch themselves with  
15 the branches, correct?

16 A Yes.

17 Q You mentioned in your direct a situation in Canada.

18 A Yes, sir.

19 Q That you saw an elephant handler hit an elephant with a  
20 hook; is that correct?

21 A Yes, sir.

22 Q That was an elephant fight, wasn't it?

23 A Yes.

24 Q And --

25 A I don't recall a fight, but two elephants were getting

1 aggressive with each other.

2 Q It was an elephant -- it was an elephant, one elephant  
3 being very aggressive to another one, wasn't it?

4 A Yes.

5 Q There is no other way to break that situation up other  
6 than use the bull hook; isn't that true?

7 A Couldn't tell you.

8 Q Excuse me?

9 A I said I couldn't -- I couldn't tell you if that's the  
10 only way. I know that's the way they broke it up is with the  
11 bull hook.

12 Q Well, let me refer you to page 241 of your 2006  
13 deposition, line 19.

14 (Reading) Question: You described an elephant  
15 fight in Ottawa, Canada in your testimony; do you recall that?

16 (Reading) Answer: Yes, sir.

17 (Reading) Question: Without a bull hook, how does  
18 one stop an elephant fight?

19 (Reading) Answer: They don't. Randy and Pat  
20 Harned and Adam Hill ran out and grabbed their bull hooks and  
21 went in.

22 (Reading) Question: Is there any other way to do  
23 it other than what they did?

24 (Reading) Answer: Not to my knowledge. I  
25 wouldn't -- no, I have never been in an elephant fight but

1 that one.

2 Did I read that correctly, sir?

3 A Yes, sir.

4 Q And this happened -- this elephant fight happened when  
5 you were on duty as a barn man, correct?

6 A Yes, sir, I was in the tent.

7 Q And you didn't do anything to stop it, correct?

8 A No, sir.

9 Q And you were yelled at by Randy Peterson as a result of  
10 that, weren't you?

11 A No, sir. I believe he came out and went after them.

12 Q Excuse me?

13 A He came out with Randy and Pat, but never -- I don't  
14 recall getting yelled at. I don't remember. It may have  
15 happened.

16 Q Let me refer you to your answers to interrogatories,  
17 Defendant's Exhibit 16, page 31.

18 And look at the -- undo that highlighting. Look at  
19 the entry for Ottawa, Canada, sir, down at the bottom. Blow  
20 that up, please.

21 June 23 to 27, 1999. The answer was, (reading)  
22 Ottawa, Ontario, Canada, I was yelled at by Randy Peterson  
23 because I refused to hit the elephants with a bull hook when  
24 the elephants started fighting and broke down a fence. He  
25 threatened my job because I was complaining about him and the

1 other handlers hitting the elephants.

2 Is that a true -- did I read that correctly?

3 A Yes, sir, I recall that incident.

4 Q All right. Is it your testimony, sir, that the elephants  
5 were hit with bull hooks in Winter Quarters of 1997?

6 A Yes, sir.

7 Q And is that the only way that the handlers were able to  
8 get the elephants to do their tricks?

9 A That's what -- that's what they used was the bull hook.  
10 I don't know if there is any other way of doing it, I don't  
11 know.

12 Q These people never used food as a reward, did they?

13 A Not that I remember.

14 Q All right. I want to refer you to a tape that's at  
15 Plaintiff's Exhibit 135, and it's entitled "Excerpt No. 5,  
16 Clip 2, 24 minutes and 11 seconds through 30 minutes and 44  
17 seconds.

18 (VIDEO CLIP PLAYED.)

19 Q (BY MR. SIMPSON) You recognize these elephants, sir?

20 A What year was this? Was it '99?

21 Q My question is, do you recognize these elephants?

22 A Yes.

23 Q What elephants are they?

24 A Looks like Meena, Lecheme and Camella.

25 Q Who are the two at the end? Recognize the two at the end

1 of the line?

2 A No, I don't.

3 Q Recognize the man in the white outfit?

4 A Yes, sir.

5 Q That's Randy Chipperfield, isn't it?

6 A Yes, sir.

7 Q He's holding a bull hook, is he not?

8 A Excuse me?

9 Q He's holding a bull hook, is he not?

10 A Yes, sir.

11 Q He's not hooking these elephants, is he?

12 A No, sir.

13 Q He was using voice commands to get them --

14 COURT REPORTER: I'm sorry, I can't hear you and the  
15 video playing at the same time.

16 MR. SIMPSON: All right. I apologize. Let me back  
17 up.

18 Q (BY MR. SIMPSON) He was using -- he had a bull hook in  
19 his hand, did he not?

20 A Yes, sir.

21 Q And he was using voice commands to get these elephants to  
22 do these things; isn't that true?

23 A That and the whip.

24 Q You could hear the voice commands, couldn't you?

25 A Yes, sir.

1 Q He's got that whip, too, doesn't he?

2 A Yes, sir.

3 Q He's not hitting those elephants with that whip, is he?

4 A In this scene, no.

5 Q All right. Run it a little bit further forward to the  
6 long mount and put the sound back on.

7 (VIDEO CLIP PLAYED.)

8 A Yes, I would say that was a bull hook with a whip.

9 Q (BY MR. SIMPSON) These two elephants on the end,  
10 Mr. Rider, are Sophie and Karen, are they not?

11 A I don't -- I'm not sure.

12 Q I take it from your testimony that on your shift, at  
13 least, you never saw this kind of interaction with the  
14 elephants?

15 A The only time I ever saw, after the show, they give them  
16 a loaf of break at the end of every show. That's the only  
17 time. No, I've never seen that kind of -- I saw them going  
18 around in circles and guys using the bull hooks and the whips  
19 just like that.

20 Q And Mr. Chipperfield was on the unit the entire -- well,  
21 most of -- well, the entire time you were there; isn't that  
22 true?

23 A No, he was gone in Winter Quarters '97.

24 Q Well, that's a bad question. He was there for the first  
25 half of the time you were there; is that correct?



1 A No, sir.

2 Q Is he one of the people that you claim abuse the Ringling  
3 Brothers' elephants?

4 A Somewhat, yes.

5 Q And he used the hook in a way you thought was  
6 inappropriate, correct?

7 A Yes, sir.

8 Q Now, you indicated in your direct that the elephants had  
9 something on them called hook boils; do you recall that?

10 A Yes, sir.

11 Q The ones you saw, you say, were as big as golf balls?

12 A Some of them. They varied in size. I used the golf  
13 balls as an example.

14 Q The hook boils that were the size of golf balls would  
15 have been easily visible from at least 20 to 30 feet away;  
16 isn't that correct?

17 A Yes, sir.

18 Q So it would have been easily visible to any animal  
19 control officer or USDA investigator; isn't that true?

20 A Yes, sir.

21 Q Now, Mr. Rider, you indicated -- Well, let me back up.

22 You recall a time when you were on the Blue Unit in  
23 1999 when the show came to Washington, D.C.?

24 A Yes, sir.

25 Q And the elephants were maintained in the D.C. Armory?

1 A Yes, sir.

2 Q You remember a situation involving an olive oil rubdown  
3 with those elephants?

4 A Yes, sir.

5 Q You testified to that in your deposition, did you not?

6 A Yes, sir.

7 Q That was the only time you believe that ever happened  
8 while you were on the unit; isn't that true?

9 A Yes, sir.

10 Q And that olive oil rubdown was done to condition the  
11 elephant's skin; isn't that correct?

12 A That's what Randy told me.

13 Q All right. Let me refer you, and I'd like the play  
14 Defendant's Exhibit 173.

15 (VIDEO CLIP PLAYED.)

16 MS. MEYER: I object to this videotape being shown  
17 for two reasons. No. 1, it was produced after discovery was  
18 closed, but more importantly, Your Honor, it's incomplete.  
19 It's clearly been edited by Defendants.

20 MR. SIMPSON: It was produced to them when we found  
21 it and in the form in which it was found. I'm not aware of  
22 anything else that went with it. It was not edited by the  
23 counsel or the people who provided it.

24 THE COURT: I'll allow it. Why do you say it's been  
25 edited?

1 MS. MEYER: Because when I watch it, it looks like  
2 there's pieces that are taken out of it. It jumps around and  
3 it looks like it's been edited.

4 THE COURT: Do you have a copy of the full tape?

5 MS. MEYER: No, Your Honor, Ringling Brothers took  
6 the video and we --

7 MR. SIMPSON: She's got a copy of all we have.  
8 There was no other tape. This was the only tape. There was  
9 no bigger version that was cut down to this tape. This is the  
10 only tape we have.

11 THE COURT: I'll allow it.

12 (VIDEO CLIP PLAYED.)

13 MR. SIMPSON: Just freeze that right there.

14 Q (BY MR. SIMPSON) Is that you in the baseball cap,  
15 Mr. Rider?

16 A Yes, sir.

17 Q And the man in front of you is Jeff Pettigrew; is that  
18 correct?

19 A Yes, sir.

20 Q And the man in the striped shirt is Randy Peterson; is  
21 that correct?

22 A Yes, sir.

23 Q Who is the man to your immediate left?

24 A I can't see him real clear. Can we run it just a little  
25 bit more?

1 Q All right. Continue to run the film.

2 (VIDEO CLIP PLAYED.)

3 A Oops, can you back it up and run that part again? Let me  
4 see it.

5 (VIDEO CLIP PLAYED.)

6 THE COURT: What are we doing? When are -- what are  
7 they doing?

8 THE WITNESS: We had a whole -- looks like Daniel  
9 Raffo. I'm not really sure on that. I can't see clearly.

10 MR. SIMPSON: Can you stop it right there while he's  
11 answering the question. Thank you.

12 A We got a big pallet full of olive oil and Randy said  
13 we're going to, you know, dump this over the girls. We called  
14 it an olive oil party, and we all got around there and they  
15 laid the elephants down and we started rubbing the oil in.

16 THE COURT: Are you in that film?

17 THE WITNESS: Yes, sir. I was one in the  
18 baseball -- you'll see me some more in here.

19 THE COURT: You're familiar with this film?

20 THE WITNESS: Yes, I was there. Right there, that's  
21 me.

22 Q (BY MR. SIMPSON) Mr. Rider, this was inside the D.C.  
23 Armory; is that correct?

24 A Yes, sir.

25 MR. SIMPSON: Stop the film right there.

1 Q (BY MR. SIMPSON) These elephants are not chained, are  
2 they?

3 A No, sir.

4 Q And this string here running through the picture behind  
5 the bald-headed man is an electric fence, isn't it?

6 A Yes, sir.

7 Q They were in electric pens inside the Armory, weren't  
8 they?

9 A And chains both.

10 Q But in this particular situation they were not chained,  
11 correct?

12 A Right, they were in pens.

13 MR. SIMPSON: All right. Continue to run the film.

14 (VIDEO CLIP PLAYED.)

15 Q (BY MR. SIMPSON) Who was the man in the black shirt?

16 A Right here in the front?

17 Q Yes.

18 A That's Steve Hart, H-a-r-t.

19 Q How about the guy in the khaki overalls?

20 A Looks like Gary. Looks like Gary.

21 Q By the way, which elephant is this?

22 A I'm not sure.

23 Q Isn't that Susan?

24 A I don't know. I would have to see them on line. As a  
25 barn man, we all saw them on line. I don't know who it was.

1 It could be Susan and Lutzi.

2 Q Isn't Susan the only one that was on the unit with a sway  
3 back?

4 A With a what?

5 Q A swayed back?

6 A Swayed...?

7 Q Back.

8 MR. SIMPSON: Stop the film.

9 A Yeah, what's -- I'm not --

10 THE COURT: He didn't say suede like leather. He  
11 said sway like S-w-a-y.

12 A Sway back. You mean like this (indicating)?

13 Q (BY MR. SIMPSON) Well, like this (indicating)?

14 A Oh, I don't -- I don't remember that part of it.

15 Q You don't remember that?

16 A No.

17 MR. SIMPSON: Continue to play the film.

18 (VIDEO CLIP PLAYED.)

19 A Okay. I see what you're talking about now where it gets  
20 down in the top.

21 Q (BY MR. SIMPSON) You don't recognize that as Susan?

22 A No, I don't. She's not on the line. It's --

23 Q Is that the only way you can recognize them, when they're  
24 on the line?

25 A Yes, sir. Being a barn man, that's the way -- it's very

1 hard to recognize them off the picket line.

2 Q Mr. Rider, they're not using any bull hooks at all in  
3 this picture, are they?

4 A No, sir.

5 Q And these are some of the same gentlemen that you earlier  
6 described in your testimony as individuals who abuse these  
7 elephants; isn't that correct?

8 A Yes, sir.

9 Q And these elephants in the background are not chained,  
10 are they?

11 A No, sir, they were in fences.

12 MR. SIMPSON: Back it up to where we had that one.  
13 Stop. Back it up. Right there. Stop.

14 Q (BY MR. SIMPSON) You recognize the elephant in the middle  
15 of the three?

16 A No.

17 Q You don't?

18 A I don't. I don't remember what -- who was in that pen on  
19 that day.

20 Q You recognize any of these elephants?

21 A Kind of looks like Zina in the middle. Without --  
22 without them being on the picket line, it's very, very hard to  
23 tell an elephant. I have a big problem with it. I'm not  
24 going to say I don't. I think the middle one is Zina because  
25 the way her forehead and her trunk is thick at the top and

1 then it comes down, that looks like Zina, and if that was  
2 Zina, odds are that's, on the left-hand side, probably  
3 Rebecca. I'm just not sure, but that does look like Zina in  
4 the middle.

5 MR. SIMPSON: All right. Your Honor, should I  
6 proceed to another subject or...

7 THE COURT: It's 5:35. We did say we'd break every  
8 day at 5:30. You're going to have to come back on Monday,  
9 Mr. Rider.

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

11 THE DEPUTY CLERK: Tuesday.

12 THE COURT: I'm sorry, Tuesday. Tuesday, I'm sorry.  
13 Don't come here Monday. You'll be by yourself.

14 THE WITNESS: Holiday, okay.

15 (LAUGHTER.)

16 THE COURT: So, anything else we need to talk about,  
17 anything before the recess? Counsel?

18 MS. MEYER: No, Your Honor.

19 MR. SIMPSON: I don't think so, Your Honor.

20 THE COURT: All right. Everyone have a wonderful  
21 weekend, and it will be Tuesday at 10:00 o'clock.

22 MS. MEYER: Your Honor, my colleagues reminded me  
23 there is something we need to talk about.

24 MS. SANERIB: Your Honor, the other day you had  
25 mentioned time for Defendant to do what they call their



1 halftime motion, and we just wanted to figure out sort of what  
2 the schedule is in terms of them, the 72-hour notice rule, how  
3 all this is going to work.

4 THE COURT: Well, I mean, I accepted what you said  
5 yesterday that you'd rest on Thursday, and so in essence they  
6 get more than the 24 hours, so I anticipate they'll make their  
7 motion on Tuesday morning.

8 I don't know how long -- I don't recall whether I  
9 spelled out time for argument on the motion, and also, there's  
10 the reflexibility of the Court taking more than a day or two  
11 to focus on whatever argument is made, so it's a little  
12 difficult at this point. We're carrying over now. You have  
13 additional witnesses to testify. Do you still anticipate  
14 resting on Thursday or not?

15 MS. SANERIB: We're going to do our best, Your  
16 Honor.

17 THE COURT: So, you know, I guess the best answer I  
18 can give you is that it depends. That's about all I can say  
19 at this point. I mean, you have a better understanding of how  
20 many -- how much more time you need for your direct portion of  
21 your remaining witnesses. By my count, there are three or  
22 four additional witnesses; is that right?

23 MS. SANERIB: We have five more, yeah.

24 THE COURT: Five more. We may be able to rest by  
25 Thursday. I do have other matters. I can't sit on Friday.

1 You know, I'll be fair to you, but they do get their one day,  
2 and actually I was hoping that you would be in a position to  
3 rest on Thursday, but if that doesn't happen, it doesn't  
4 happen but...

5 MS. SANERIB: All right. Thank you, Your Honor.

6 THE COURT: All right. But I'm glad you brought  
7 that subject up because that also impacts Defendant as well.  
8 Do you have witnesses from out of town? Do you plan to call  
9 witnesses from out of town?

10 MR. SIMPSON: We do. I think they're all from out  
11 of town.

12 THE COURT: They're all from out of town. All  
13 right. I want to be sensitive to that as well. I mean, I'm  
14 sensitive --

15 MR. SIMPSON: There actually are two that live in  
16 the immediate Virginia area, although technically out of town.

17 THE COURT: But do you have witnesses coming from  
18 other parts of the world?

19 MR. SIMPSON: We do have many witnesses coming from  
20 Florida, but they'll be here.

21 THE COURT: All right. Well, factor that in,  
22 Counsel, as well. I'm going to give you the 24 hours. If  
23 they rest on Thursday, you get more than 24 hours, I'm not  
24 going to add to it, and also, be mindful that the Court under  
25 its order may take -- may take some time to focus on your

1 argument as well.

2 It would be helpful if there are points and  
3 authorities that you plan to rely on in whatever motion you  
4 wish to make, it would be helpful, extremely helpful if we  
5 could get a copy of -- unless we already have a copy of the  
6 points and authorities, give us a copy.

7 MR. SIMPSON: We'll do that, Your Honor. I think  
8 most of it, what we're going to talk about is already in the  
9 trial brief we are going to be filing tomorrow.

10 THE COURT: All right. So you're going to file a  
11 brief tomorrow?

12 MR. SIMPSON: Well, the one you requested.

13 THE COURT: Right, right, the noon on Friday the  
14 13<sup>th</sup> brief. All right. Okay. All right. Everyone have a  
15 wonderful weekend. Happy Valentine's Day to everyone.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: Counsel, you going to file your points  
18 and authorities tomorrow? It will be extremely helpful if you  
19 have points -- to both sides, if you have some points and  
20 authorities, give us one copy, it would be great.

21 MR. SIMPSON: Yeah, we will.

22 THE COURT: All right. Thank you. Take care.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: All right.

25 (PROCEEDINGS END AT 5:35 P.M.)

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C O N T E N T S

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CERTIFICATE OF REPORTER

I, Catalina Kerr, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

\_\_\_\_\_  
Catalina Kerr

\_\_\_\_\_  
Date