

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE	.	
PREVENTION OF CRUELTY TO	.	
ANIMALS,	.	
	.	CA No. 03-2006
Plaintiff,	.	
	.	
v.	.	Washington, D.C.
	.	Wednesday, March 11, 2009
FELD ENTERTAINMENT, INC.,	.	2:47 p.m.
	.	
Defendant.	.	

.

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

APPEARANCES:

For the Plaintiffs	KATHERINE A. MEYER, ESQ. TANYA SANERIB, ESQ. DELCIANNA WINDERS, ESQ. Meyer, Glitzenstein & Crystal 1601 Connecticut Avenue, N.W. Suite 700 Washington, D.C. 20009 202-364-4092
--------------------	---

For the Defendants:	LISA JOINER, ESQ. KARA PETTEWAY, ESQ. JOHN SIMPSON, ESQ. MICHELLE PARDO, ESQ. LANCE SHEA, ESQ. Fulbright & Jaworski, LLP 801 Pennsylvania Avenue, N.W. Washington, D.C. 20004 202-662-4504
---------------------	--

Court Reporter:

JACQUELINE M. SULLIVAN, RPR
Official Court Reporter
U.S. Courthouse, Room 6820
333 Constitution Avenue, NW
Washington, D.C. 20001
202-354-3187

Proceedings reported by machine shorthand, transcript produced
by computer-aided transcription.

P R O C E E D I N G S

1
2 THE COURT: All right, counsel. Over the weekend I
3 went over the deposition testimony. I note that plaintiff did
4 not offer page eleven, but page eleven of the relevant testimony
5 seems to be important. The question, page eleven, let's see,
6 line five, this is a copy of at least the first ten pages of
7 defendant's pretrial statement, and if you turn to last page
8 here, page ten, you'll see your name, and I assume the name is
9 Mr. Sowalsky. It's the second name from the top, and under the
10 subject of testimony, it says, quote: Relatorium legal history
11 of FEI's elephants, including acquisition, permitting, and
12 regulatory status, end quote, so does that comport with the
13 answer you just gave me? You had given a more general answer
14 that plaintiff cited for the Court's attention. His answer is
15 at 15. It's a little more inclusive in terms of the history of
16 the Feld elephants, but other than that, I think it comports
17 with what I just said. And it goes on, is your knowledge of the
18 history of Feld's elephants primarily through the records you
19 were discussing just previously or is it also based on your
20 history with the company?

21 And he says both. So it seems to me the plaintiff was
22 on fair notice about the scope of why this man was being offered
23 as an expert, but that's just one prong of it. That still
24 doesn't provide a basis, an independent basis for the
25 admissibility of these documents.

1 Defendants rely on Judge Friedman's opinion. I don't
2 see how that case helps you at all. Why does that case help
3 you? I mean, Judge Friedman recognized that information
4 received from this other bank, to the subject bank was not
5 reliable and didn't come in as a business record, so I don't
6 think this case supports your argument at all.

7 MR. SIMPSON: Your Honor, it was also United States
8 versus Adefehinti.

9 THE COURT: I want to talk about Boca first. Unless
10 I'm misreading it, why does Judge Friedman's opinion help you?

11 MR. SIMPSON: The result doesn't, but I think he sets
12 out the framework that's followed here.

13 THE COURT: Right. If you follow the framework, it
14 still doesn't provide a basis for the admissibility.

15 MR. SIMPSON: Because the problem in that case --
16 first of all, they were trying to prove up these documents with
17 a deposition, and the deponent really didn't know who wrote the
18 documents. The best the deponent could do was narrow down the
19 authors of the documents to three people, and he also didn't
20 know how the documents were used by the corporation, so I don't
21 know whether the government, whoever was trying to get it into
22 evidence, didn't have another witness, that's the best they
23 could do, and Judge Friedman said this is not a proper
24 predicate.

25 But what the D.C. Circuit ruled in the Adefehinti case

1 is basically what you have to do is lay the foundation on three
2 things: How did the corporation acquire it, how did they use
3 it, and how did they maintain it in terms of filing it? If you
4 can demonstrate that you were the witness with personal
5 knowledge how those things take place and that the information
6 flow that comes through the corporation is trustworthy in the
7 sense --

8 THE COURT: What's to show it's trustworthy, though?

9 MR. SIMPSON: Well, it is what it purports to be. Is
10 there any reason to doubt, for example, I can show the Court the
11 documents we're talking about because we're talking in the
12 abstract.

13 THE COURT: Throughout the trial, USDA documents,
14 right?

15 MR. SIMPSON: But we haven't seen these yet. Could we
16 pull up Defendant's Exhibit 71, for example?

17 THE COURT: All right.

18 MS. SANERIB: Your Honor, I'm willing to allow him to
19 use this as a demonstrative, but we do object to this exhibit,
20 just to get that on the record.

21 THE COURT: Go ahead. Pull it up, counsel.

22 MR. SIMPSON: This is an example of what we're talking
23 about, your Honor. This is a letter that's written to Ms.
24 Strauss, who's vice president, corporate counsel of Feld
25 Entertainment, who is personally known to Mr. Sowalsky. She

1 works for him. If you scroll down a little further down the
2 page, it's from W. Ron DeHaven, who's deputy administrator of
3 the animal care division of AFIS, which is in the USDA, and this
4 letter, as you go back to the first paragraph, reports on the
5 status of an investigation of Ringling Brothers Barnum and
6 Bailey Circus, initiated in January of 1999 has been closed
7 administratively with no action, so all we're doing is offering
8 this document as evidence that this is what was sent to the
9 company about the status of this case. It speaks for itself.

10 THE COURT: Wait a minute. I think, though, and it
11 gets back to a point I made before we took the luncheon recess,
12 I don't think the plaintiffs are alleging that Feld was on
13 notice that these were takes by the USDA or any other agency,
14 and I don't think they've offered any evidence, so I don't think
15 you're prejudiced. I don't want to spend two days going through
16 --

17 MR. SIMPSON: We're not going to spend two days.

18 THE COURT: Oh, I know that. Or two hours going --

19 MR. SIMPSON: We're not even going to go to two hours.

20 THE COURT: If we're down to two minutes I may allow
21 it then over objection, but wait a minute. I don't think you're
22 prejudiced. I don't think they haven't offered any evidence
23 that says you were on notice that Fish and Wildlife Service took
24 this position factually.

25 MR. SIMPSON: Your Honor, that's --

1 THE COURT: Wait a minute.

2 And it may well be that I can allow the witness to
3 testify that, yes, you know, we never got any notice --

4 MR. SIMPSON: Well --

5 THE COURT: Wait.

6 -- that the USDA was contemplating any action. That
7 makes your case as well. This is rank hearsay, though, and I
8 don't think that Circuit opinion supports the admissibility of a
9 USDA record for this purpose under these circumstances. I don't
10 think so, but again, I don't think you're prejudiced. In fact,
11 it seems to me that the parties may well be able to stipulate
12 that the government never provided you with notice or provided
13 Feld with notice that the actions complained of were indeed
14 takes, and that's your concern, isn't it, that you weren't given
15 any notice, that's one of them?

16 MR. SIMPSON: That's part of it.

17 THE COURT: Right.

18 MR. SIMPSON: But the other part of this is, assuming
19 that the Court agrees that the taking prohibition applies to
20 this case, then we have a regulation that says that it's not a
21 take if what you're doing is a generally accepted husbandry
22 practice that complies with the Animal Welfare Act. That's in
23 the regulatory -- the Fish and Wildlife definition of
24 harassment, and we think this evidence goes to that question,
25 because what's going on in these investigations are complaints

1 about how the bullhook is being used and the tethering of these
2 elephants. Those are husbandry practices. Those are practices
3 used to handle large animals.

4 THE COURT: The bottom line, though, is I assume Feld
5 was never sanctioned for the use of the bullhooks by USDA, I
6 assume.

7 MR. SIMPSON: That's correct.

8 THE COURT: And no one disputes that?

9 MR. SIMPSON: Well, I don't think they do.

10 THE COURT: Do they?

11 MR. SIMPSON: No, because what they want you to do is
12 say this is all political, this isn't binding, you should ignore
13 it. What you should pay attention to, your Honor, is affidavits
14 and the low-level communications of the investigators
15 themselves, like, for example, in the Benjamin case, that's one
16 of their favorite exhibits, the Report of Investigation where a
17 fellow named Green made comments about how he thought Benjamin
18 died. They want you to read that, that's in evidence, but they
19 don't want you to look at the letter that we got.

20 THE COURT: The fact of the matter is, the record is
21 what the record says, and these records from USDA that I'm sure
22 the plaintiffs have combed over from your files give credence to
23 your argument that indeed there was no Notice of Infraction by
24 USDA. That's your point that you're trying to make, right?

25 MR. SIMPSON: That's not in the record yet. That's

1 the problem.

2 THE COURT: Wait a minute. What I'm saying, you don't
3 dispute that, do you, that these records don't show Notice of
4 Violations?

5 MS. SANERIB: Yes, we agree with that.

6 MR. SIMPSON: But the problem is the loop's not been
7 closed because they put in several --

8 THE COURT: I understand that. That's different.
9 That's something completely different.

10 MR. SIMPSON: But they put in several documents that
11 were part of this process at a lower level in the agency.

12 THE COURT: They had a basis for doing so too. Those
13 records were certified.

14 MR. SIMPSON: We've also stipulated that anything
15 generated by the USDA is authentic. We have a stipulation to
16 that, so the only real question is whether it's a business
17 record of the corporation.

18 THE COURT: I don't think it's a business record of
19 the corporation.

20 Getting back, I don't think you're prejudiced at all
21 because they're not claiming that you were put on notice by USDA
22 or Fish and Wildlife Service either that these types of actions
23 were indeed takes under the applicable law. I understand what
24 the other evidence shows. I understand that, and it's already
25 in the evidentiary record that there was indeed an independent

1 evidentiary basis for them to become part of the record.

2 Insofar as these records are concerned, first of all,
3 they aren't business records maintained by Feld, and secondly,
4 more importantly, I think, from your point of view, is they
5 don't show anything. They don't show notice, and they aren't
6 claiming that they do show notice.

7 MR. SIMPSON: It's not notice, your Honor, and they're
8 variously worded. This one closes the case with no action.
9 Other of these letters say there's insufficient evidence of a
10 violation.

11 Now, I think that's significant because you spent, I
12 don't know, an hour listening to a police officer from
13 California go over photographs and a videotape and all kinds of
14 stuff about elephants in 1999 and then an incident with another
15 elephant in 2001. All of that got submitted to USDA, all of
16 that got submitted to USDA, and their finding was that's not a
17 violation of the Animal Welfare Act.

18 THE COURT: Right, right.

19 MR. SIMPSON: Right now, though, all I'm doing is
20 saying there is no evidence in the record. That's why we're
21 trying to get in --

22 THE COURT: No one disputes that. I don't want to
23 spend two hours going through something that's not really
24 controverted. They haven't offered these records to show that
25 you were on notice. They haven't offered these records to show

1 that indeed there were violations for which you were sanctioned.
2 The record is what the record is, and the records aren't harmful
3 to Feld.

4 MR. SIMPSON: Well, I don't --

5 THE COURT: It seems to me that the parties can
6 stipulate that those records don't show what you're fearful that
7 they do show. They don't show that so we don't have to waste
8 two hours bringing them in.

9 MR. SIMPSON: I don't think, first of all, it would
10 take more than fifteen minutes for Mr. Sowalsky to prove this
11 up.

12 THE COURT: Are you talking about me combing over
13 thousands of pages?

14 MR. SIMPSON: No, I'm not. I'm not. The only exhibit
15 we're offering is Defendant's Exhibit 71.

16 THE COURT: Which one?

17 MR. SIMPSON: The one that is on the screen.

18 THE COURT: That's it?

19 MR. SIMPSON: There are fifteen pages --

20 THE COURT: Oh, I'm sorry. I should have listened to
21 you when you said you didn't have any objections, right? Is
22 that what you said?

23 MS. SANERIB: We have some objections to this exhibit,
24 but what was listed to come from was Mr. Sowalsky was thousands
25 of pages of records.

1 MR. SIMPSON: Well, your Honor's 72-hour notice made
2 it clear if you didn't put it on there you couldn't even think
3 about using it.

4 I can make a proffer right now --

5 THE COURT: Tell me what you want and how long it's
6 going to take. I don't think it's a business record. Judge
7 Friedman's opinion doesn't help you.

8 MR. SIMPSON: The direct examination of Mr. Sowalsky
9 would have taken an hour.

10 THE COURT: It would have taken. All right.

11 Do you see my point? I don't know whether the parties
12 can stipulate or not.

13 MR. SIMPSON: I think we're prejudiced unless they
14 stipulate that these are husbandry practices that comply with
15 the AWA. Now, if they're willing to stipulate to that, then
16 fine, but they're not going to. They're claiming indirectly
17 this all violates the Animal Welfare Act.

18 THE COURT: It may well be that they don't disagree
19 with your contention that these are husbandry practices that
20 were not sanctioned by the government. That's probably the
21 basis for a fair stipulation, isn't it, or not?

22 MS. SANERIB: Your Honor, their own witness, Gary
23 Jacobson, testified that forcing elephants to perform tricks is
24 not a husbandry practice, so we're not going to agree that what
25 goes into training these elephants to perform in the circus is

1 husbandry by any stretch of the imagination.

2 THE COURT: Tell me what you want.

3 MR. SIMPSON: I want to put in pages one through
4 three.

5 THE COURT: One through three of 71?

6 MR. SIMPSON: Wait. One through three, four, and
7 seven through fifteen of Defendant's Exhibit 71, all of which
8 are letters from the USDA to Feld Entertainment.

9 THE COURT: And let me guess what they say. No
10 action?

11 MR. SIMPSON: No violation. It's not a problem,
12 you're not violating the law, but your Honor, unless you have
13 that in the record you don't have any way of knowing what the
14 position of the agency is.

15 THE COURT: Absolutely I do, because at the conclusion
16 of this trial I've heard no evidence that Feld was ever
17 sanctioned for the complaints made by the plaintiff. That's
18 probably going to be a finding.

19 MR. SIMPSON: Well, except that's what they say
20 happened in the Kenny case, and Kenny was a settlement with no
21 finding of violation, but the constant drum beat is that that's
22 a finding that the company violated the law. So that's the
23 proffer on 71. There would be a chart for your Honor which I've
24 already given the other side that we were going to call that
25 299A that would summarize this.

1 MS. SANERIB: We definitely object to that chart.

2 THE COURT: Hmm?

3 MS. SANERIB: We definitely object to that chart.

4 THE COURT: I know this is a chart again, but do you
5 dispute what counsel just said with respect to 71? I'm not
6 surprised those documents say no finding, no fault, and that's
7 fine for what it means, whatever it means, but it doesn't carry
8 the day for anyone, I don't think, but what's the prejudice to
9 the plaintiffs if I allow those documents to come in? I
10 understand they've not been certified as public records, and you
11 probably have a good-faith basis in law to argue to keep them
12 out as business records, but what's the harm here if I allow
13 them in?

14 MS. SANERIB: Well, your Honor, the first thing about
15 that that is harmful --

16 THE COURT: First of all, I want you to address you
17 were put on notice, page eleven of that deposition, you were put
18 on notice what he was going to testify to, so you can't really
19 say that you never had any prior notice that Mr. Sowalsky was
20 not going to testify about regulatory practices, etcetera,
21 etcetera. I just happened to read further. I lost track of the
22 lines. I said wait a minute. I know she didn't offer this, and
23 you didn't offer it. I'm not being critical, but you were put
24 on notice.

25 MS. SANERIB: I think that there's a dispute between

1 the parties when we're talking about the regulatory status of
2 these animals. Up until very recently, that was whether or not
3 these animals were Pre-Act animals or captive-bred wildlife
4 animals for the purposes of the Endangered Species Act.

5 THE COURT: This is a 2008 deposition, though, right?

6 MS. SANERIB: That's correct. It was taken last
7 November, and I don't think it's really until this trial started
8 that the defendant started making this argument that somehow the
9 USDA and Animal Welfare Act supersede what's going on
10 with circus elephants and you shouldn't pay attention to the
11 Endangered Species Act, so our assumption was, and if you look
12 at Mr. Sowalsky submitted two declarations in support of
13 defendant's motion for summary judgment. Those declarations go
14 through what he asserts to be when they acquired those animals,
15 when those elephants were born, and therefore whether they fall
16 as Pre-Act animals or fall as captive wildlife-bred animals.
17 That was the sort of basic world of Mr. Sowalsky's summary
18 judgment affidavits, and what he said in his declaration, or
19 sorry in his deposition, was he anticipated that to be his trial
20 testimony, and that pertains to the Fish and Wildlife Service,
21 the status of these animals vis-a-vis the Fish and Wildlife
22 Service.

23 THE COURT: Let me ask you a question. If the records
24 became a part of the -- if those documents became a part of the
25 evidentiary record in this case, are the plaintiffs prejudiced

1 from proceeding with making their arguments?

2 MS. SANERIB: You're talking about Defendant's Exhibit
3 71?

4 THE COURT: The one he just proffered. Yes.

5 MS. SANERIB: I don't think we're prejudiced from
6 making our arguments.

7 THE COURT: Then what's the harm? Let's get on with
8 it.

9 MS. SANERIB: I think the thing that's prejudicial
10 here is --

11 THE COURT: I understand the technicality, but by the
12 same token, if you were fairly put on notice and he ran across
13 the street and got a public certification, what would be the
14 argument to keep them out of the record?

15 MS. SANERIB: Well, I think we also have, in addition
16 to our hearsay objections, we also have completeness objections.
17 I think that if you look at this letter, this first page of DX
18 71, it shows that -- I don't even know what this is about. If
19 you read this letter, first of all it says, As requested in your
20 letter of May 27th, 1999 --

21 THE COURT: You're probably absolutely correct, and I
22 think that would be a correct application of the completeness
23 rule to have the other letter brought in. I totally agree with
24 that.

25 MS. SANERIB: Yeah.

1 THE COURT: But worst case scenario from plaintiffs,
2 if they came in, how are you prejudiced from making your
3 argument? You've never alleged they were put on notice by USDA
4 that these are improper husbandry practices, have you? You
5 haven't mentioned that.

6 MS. SANERIB: We have not. We have not.

7 THE COURT: So what's harm here? Why are we spending
8 two hours on this?

9 MS. SANERIB: Well, the first thing is, because that's
10 how the Rules of Evidence work. And I can't tell you, your
11 Honor, how many countless hours we spent with the USDA trying to
12 get a business record certification and it does seem a little
13 unfair that we devoted all that time and effort to getting our
14 records certified.

15 THE COURT: I'm not minimizing that. I'm just trying
16 to figure out, what's the harm here? I don't mind spending
17 whatever time is necessary to get through an issue, and I think
18 on fairness I don't think they come in as business records. You
19 know, I just don't think so.

20 MS. SANERIB: And we --

21 THE COURT: By the same token, though, even if they
22 don't come in as business records, there are ways to get around
23 those rules, and counsel can testify, you know, they can testify
24 about were you ever sanctioned, right? Did you ever receive a
25 sanction for this? They can do that so --

1 MS. SANERIB: Well, and it --

2 THE COURT: So we'll spend three hours doing it that
3 way?

4 MS. SANERIB: If Mr. Sowalsky had personal knowledge
5 about this, then, yeah, we wouldn't need any of these records.
6 I think our concern is he's never been listed as the witness who
7 actually handles these USDA matters for Feld Entertainment.

8 THE COURT: Well, I'm not so sure about that.

9 Counsel, what else?

10 MR. SIMPSON: I think that's subject to cross, number
11 one, and number two, they represented to you that he knew
12 nothing about the USDA. The USDA doesn't even appear in his
13 deposition. The words aren't in there. They never asked that
14 question, period. And I think this comes in mainly because, if
15 they want the whole thing in, fine. I mean, that was really the
16 only objection they had, was completeness, but I don't see how
17 you can cherry-pick bits and pieces of USDA stuff and then not
18 have the final say-so here. It may not ultimately be relevant
19 at all to your Honor.

20 THE COURT: It may not be.

21 MR. SIMPSON: But they've open the door.

22 THE COURT: I think if the trial continues the way it
23 has continued, there is probably a finding that will articulate
24 that Feld was never notified by USDA or FWS that its pattern and
25 practice of husbandry practice violated any rule, regulation, or

1 law. I think. I mean, if we didn't have this issue and if
2 there's no other evidence that plaintiffs had, they've given us
3 the best shot and there's no evidence. That's probably going to
4 be the Court's finding, and that would be consistent with the
5 evidence, whether these records come in or not, wouldn't you
6 agree?

7 MR. SIMPSON: Well, I think that might be the case,
8 except I don't know that we've actually put that evidence in
9 yet. The only people who have testified about it are Mr. Feld.
10 Mr. Sowalsky does have personal knowledge of this process, he's
11 in charge of it, he reads these letters when they come in.

12 THE COURT: He's not going to offer any damaging
13 evidence against Feld Enterprises. Up to this point there is
14 none, but he's not going to offer any.

15 MR. SIMPSON: I'm not comfortable saying that this is
16 the record as it stands now would support that finding. I mean,
17 it has to be based on substantial evidence. I think this
18 supplies it, this --

19 THE COURT: Substantial evidence or the lack of
20 evidence?

21 MR. SIMPSON: Well, if you don't have -- I don't know
22 what they're going to argue if we have an appeal in terms of
23 what's already in. These are documents, there's no reason to
24 believe these weren't sent from the USDA, they speak for
25 themselves, we're not trying to say they mean more than this.

1 Whatever it says it says, it says. Mr. Sowalsky can tell you
2 what investigation this pertains to. It's kind of vague on --

3 THE COURT: The problem, business records come in, as
4 we all know, to accomplish one objective. First of all, to keep
5 hard-working people from coming down and sitting down in a
6 federal court witness room waiting to testify about matters.
7 They can be doing the business of their principle, and they're
8 kept in the ordinary and normal course of business and recorded
9 contemporaneously with the event and there's some indicia of
10 reliability.

11 We don't know who these people are. Just because they
12 got a USDA logo on there, it's so easy to create anything on the
13 Internet these days, and, the bottom line is, Mr. or Ms.,
14 whoever this person is, I don't know if it's a man or a woman,
15 is not available to be cross-examined, so where is the indicia
16 of reliability, the fact that it has USDA in small caps at the
17 top of the page?

18 MR. SIMPSON: No. Because I think there's a process
19 that takes place, there's an investigation, it starts for many
20 reasons, it could be an activist complaint, it could be
21 something that somebody inside the company saw it, it could have
22 been a member of the public, whatever reason it starts, there's
23 a process that occurs. This agency asks for information.
24 Sometimes they interview people, sometimes they get documents,
25 and then it all goes off into a black box, and at some point

1 they write back and say this is what we're going to do, and Mr.
2 Sowalsky can testify from personal knowledge that that part of
3 it, this is what they tell us, is these letters. Now, do we
4 know what went on in between? No. We're not privy to that. I
5 don't have a witness who's competent to tell you what the
6 stature of the Report of Investigation is within the agency, but
7 we've got people that --

8 THE COURT: We don't even know whether Ron DeHaven
9 signed this document.

10 MR. SIMPSON: But we have no reason to believe he
11 didn't. This came in the ordinary course of business. Mr.
12 Sowalsky --

13 THE COURT: Whose business, though?

14 MR. SIMPSON: Feld Entertainment's business. I mean,
15 it's part of their business to interact with this agency, this
16 agency controls their elephants.

17 THE COURT: That would mean that any time that Feld or
18 any other defendant or plaintiff gets notice from the federal
19 government or district government or any third party for any
20 reason inquiring about anything and they keep that in a file,
21 that comes in as a business record?

22 MR. SIMPSON: Well, I think if you rely --

23 THE COURT: It may come in as a public record, but it
24 wasn't being offered for that purpose because you can't because
25 under a certification, but a business record kept in the

1 ordinary course of business of the circus? I don't think so.

2 MR. SIMPSON: I think if it's part of your business to
3 have this kind of continuous contact with a regulatory agency,
4 the documents they send you, if you actually do receive them and
5 rely on them in some way in running your business, could become
6 part of your business records.

7 THE COURT: No one's found a regulatory agency case
8 that deals with this? This can't be the first time this issue
9 has come up.

10 MR. SIMPSON: Well, we looked. The closest one that
11 we were able to find was the D.C. Circuit case and the
12 Adefehinti case, at least in this Circuit. I don't think it's a
13 big leap to say that just because it's from an outside party, if
14 you have reason to believe what's being told to you in the
15 record, that it comes in. The reliability is there. When
16 DeHaven says --

17 THE COURT: I mean, you're opponent, though, is at a
18 significant disadvantage. We don't know who signed that.

19 MR. SIMPSON: They know who he is.

20 THE COURT: If there's George Bush's name on there, we
21 didn't know if the President signed it.

22 MR. SIMPSON: They know who he is. They put documents
23 in with this man's name on them already. They're already in the
24 record of this case. They went in when they sent all those
25 exhibits in at the end of their case.

1 There's no reason to doubt when it says this case has
2 been closed administratively with no action that that's untrue.
3 Now, could they reopen it? Yes. Some of these things say we're
4 closing this because we don't have sufficient evidence, that's a
5 true statement. Is it possible in the future they might get
6 sufficient evidence?

7 THE COURT: No action was taken against you.

8 MR. SIMPSON: That's true, but right now there's no
9 proof of that, your Honor, and that's what we're trying to show.

10 THE COURT: All right. I don't want to repeat myself,
11 but if things keep going the way they're going, there won't be
12 any evidence. They've already given us their best evidence.
13 But you don't feel comfortable with the Court saying there's no
14 evidence of action by the USDA or Fish and Wildlife Service
15 sanctioning Feld for what plaintiff contends to be improper
16 husbandry practices in violation of laws, rules, and
17 regulations.

18 MR. SIMPSON: Because that's not really their position
19 as I understand it. Their position is there are gross
20 violations of the Animal Welfare Act that this agency is not
21 remedying for whatever reason.

22 THE COURT: But the agency, that's --

23 MR. SIMPSON: Corruption. Whatever it is. I don't
24 know what there theory is. But that's their theory. It's not
25 that there's no violation of the AWA, and we think based on what

1 these things say, there is reason to believe that there is no
2 violation of the AWA because all this has been presented to this
3 agency in elaborate detail and these are the responses we're
4 getting, so I think that's a different question and that's why I
5 think it's relevant.

6 THE COURT: Counsel? I should have listened to you
7 when I took the bench. You said we have no objection to using
8 this as demonstrative evidence? Isn't that what you said?

9 MS. SANERIB: I thought I said that we think some of
10 this might come in. I definitely don't --

11 THE COURT: I think we're spending too much time on
12 this. Go ahead, tell me what you think. Tell me what you have
13 no objection to coming in.

14 MS. SANERIB: Well, I think the first thing I want to
15 say, not that it's not what you want to hear, but our objection
16 to this stuff coming in, if this was so important to their case,
17 why didn't they get a certification for these documents, these
18 records? We went through that process.

19 THE COURT: That's another issue. I'm not minimizing
20 the hard work. I know how difficult it is to get people to
21 certify things. I understand that, because they don't attach
22 any importance to doing that. It detracts them from doing what
23 they're supposed to be doing on their job and they don't want to
24 do it. Bottom line, they don't want to do it.

25 MS. SANERIB: And I think the other thing is, you look

1 at this first document --

2 THE COURT: Do you know what? You should have told
3 me, these people are being pains in the neck and asked me to
4 issue a subpoena to subpoena the director over here to testify,
5 I bet you would have gotten a certification. Anyway, you got
6 your certification, you worked hard to get it. You say they
7 didn't do it, they shouldn't come in, they shouldn't come in as
8 a business record, but you can't tell me how you're prejudiced.

9 MS. SANERIB: You're Honor, we're prejudiced in part
10 too because there's evidence we tried to introduce in our case
11 in chief, evidence that was before the USDA when it was
12 investigating Feld Entertainment, that evidence didn't come in.
13 You said that's not a business record. Now defendants turn
14 around, the tables are turned, and they're trying to use those
15 same arguments against us.

16 THE COURT: I was wondering when you were going to
17 make that argument. You're absolutely right. That's exactly
18 what happened.

19 MS. SANERIB: I think that that definitely prejudiced
20 us.

21 And I think the problem with some of these things is,
22 it's not clear at all that these are the routine practice of the
23 USDA to issue these types of letters. If you look at this in
24 the first paragraph of this letter right here, it says, Dear Ms.
25 Strauss, as requested in your letter of May 27th, 1999, this

1 letter will serve as confirmation.

2 It is clear that Feld Entertainment is going to USDA
3 and saying we need a letter that says X and they're giving them
4 a letter that says X, and for that reason additionally we don't
5 think these documents should come in. They can put on a
6 witness, the witness can testify we've never been found to be in
7 violation of the Animal Welfare Act, and I can cross-examine
8 him.

9 THE COURT: That wouldn't take longer than fifteen
10 minutes.

11 MS. SANERIB: Yes, I don't think it would take more
12 than five minutes for him to do that. And that's fine, that's
13 all they need, but to have these self-serving records coming
14 into the record and I don't get to cross-examine these people,
15 we don't know if they're actually the routine business of USDA
16 to issue these letters to anyone else, that's patently unfair,
17 that's prejudicial to us.

18 And the only other thing I wanted to say regarding,
19 you know, Mr. Simpson gave us a lot of testimony and we
20 certainly object to his testimony on these things, but I do want
21 to point out for the record that the only standard under the
22 Endangered Species Act is not the harassment standard which
23 talks about standard husbandry practices, there's a lot of other
24 words that are included in the definition of take, and I just
25 want to get it on the record if there's a wound and if there's

1 harm to an animal, that's also a take, so harassment isn't the
2 only thing that's being alleged in this case, and I want it to
3 be perfectly clear that there is other terms that are at issue
4 that don't deal at all with husbandry practices, and we
5 certainly don't think that chaining elephants on trains for long
6 hours and making them perform in a circus are by any stretch of
7 the imagination by anyone's definition husbandry practices.

8 So getting back to these records, again, maybe we
9 should go through them page by page, but I just do any think
10 there's any indicia of trustworthiness in these records that
11 they can come in without some sort of either business
12 certification or witness from the USDA that we can cross-examine
13 on these issues. If Mr. Sowalsky wants to testify if he knows
14 that the USDA has never found Ringling Brothers to be in
15 violation of the Animal Welfare Act, he can do that and I can
16 cross-examine him, but I don't think these records should come
17 in.

18 THE COURT: All right. Anything else?

19 MR. SIMPSON: Well, your Honor, you know, I think
20 we're probably beating a dead horse here, but, I mean --

21 THE COURT: I hope not.

22 MR. SIMPSON: I mean, I think the point is, it's not
23 clear on this AWA who has the burden of proof. I mean, I think
24 they probably have the burden of proving that it doesn't comply,
25 but it could turn out to be some kind of defense, so I'm

1 concerned that if this doesn't come into evidence, that we don't
2 have any evidence of our defense. It's one or the other. It's
3 got to be part of their case or part of a defense.

4 THE COURT: You agree you're going to accomplish the
5 same objective if I allow you to present this witness without
6 these records?

7 MR. SIMPSON: I'd have to go through each of the
8 investigations because there have been so many and there have
9 been so many statements.

10 THE COURT: How many have there been, seven?

11 MR. SIMPSON: The ones that are in here, there's
12 fifteen pages, but some of these letters pertain to the same
13 one, so I think it's about seven.

14 THE COURT: You're clearly entitled to do that and I
15 guess another alternative, and I don't want to suggest it, I was
16 going to say just have someone go across the street and get a
17 certification. I mean, it's public records. Is that unfair? I
18 bent over backwards trying to help you get that film in from the
19 woman from California. I still don't know how she's going to
20 authenticate it over the phone. I don't know. It's probably
21 easier just to let your witness testify. These aren't business
22 records, but go ahead, you can make your point. You can get him
23 on the stand. You can't lead him, but you can make your point,
24 but the parties can't stipulate, right?

25 MS. SANERIB: I don't think so, not on those records.

1 THE COURT: You know, I didn't read the last one. I
2 read the other one. I read Friedman's and said this doesn't
3 help at all. What is that, that's the Circuit case? What's the
4 surname? Let me just take one minute to read that one.

5 MR. SIMPSON: The United States versus Adefehinti.

6 THE COURT: I have it. I just didn't take a look at
7 it. Let me take one minute so I can take a look at that. I
8 still don't think it's a business record, but let me take a look
9 at it. That dealt with the memoranda also, didn't it?

10 MR. SIMPSON: Well, it dealt basically with records
11 submitted by a financial institution by a third party.

12 THE COURT: That's right. By a third party, right.
13 And that was a criminal case as well?

14 MR. SIMPSON: Yes, it is.

15 THE COURT: Kind of confrontational clause issues and
16 all that other stuff. I don't think I need to go that far. Let
17 me just take a look at it.

18 How long do you need to question your --

19 MR. SIMPSON: About an hour. Well, it will depend on
20 what you rule. It could be a lot shorter, but ...

21 THE COURT: All right.

22 (Recess taken at about 3:17 p.m.)

23 COURTROOM DEPUTY: Please remain seated. This Court
24 is again in session.

25 (Back on the record at about 3:35 p.m.)

1 THE COURT: I think, and I'm glad that I took the
2 opportunity to read this case, I'm sorry I didn't read it over
3 the lunch hour, the Adefehinti, A-d-e-f-e-h-i-n-t-i, I believe
4 supports defendant's argument for these reasons:

5 Looking at the decision, there were three challenges
6 in the Circuit court, and essentially the Circuit relied on the
7 first challenge, and that was that a bank official certified, in
8 this case it would be this witness testifying, the authenticity
9 of documents that the bank relied upon in making lending
10 decisions. These were loan processing documents that a bank
11 relied upon and a question came up as to whether or not they
12 came in as business records, and the Circuit went on to say
13 indeed with respect to that -- I'm not reading verbatim -- with
14 respect to that first challenge, the Circuit said, and I quote:
15 This is where his argument is the strongest as the way in which
16 the other types of documents were created and used more
17 obviously fits the business records exception. And the Circuit
18 limited its discussion then to the certifiers of the loan-
19 supporting documents. I'm quoting from the opinion, the Circuit
20 said, "Assuming the nontestifying certifiers, in this case it
21 would be the USDA, had no more knowledge of the document's
22 creation than did a third party, there are two weaknesses in the
23 factual basis underlying the certificates. First," and here
24 there's no certificate because the witness is testifying, these
25 aren't business records being offered by Feld, there's a

1 witness, the general counsel is going to testify, "the
2 certifying officials have no direct knowledge of the
3 circumstances under which the records were made in the sense of
4 being incorporated into the bank's record. Second, the bank
5 certifiers could not completely address the original creation of
6 the records that had occurred in the course of the mortgage
7 broker's business."

8 So the appellant's questioned whether the certifiers
9 could legitimately assert as required by the rule that the
10 records were made at or near the time of the occurrence of the
11 matter set forth by or from information transmitted by a person
12 with knowledge of these matters. And the Circuit said that
13 neither -- strike that. Neither weakness is fatal to the
14 admissibility of the documents, and it goes on to talk about how
15 to lay an adequate foundation under 902.11, and this is where
16 it's important. "Further, several courts have found," and I'm
17 reading verbatim, "that a record of which a firm takes custody
18 is thereby," quote/unquote, "'made' by the firm within the
19 meaning of the rule (and thus is admissible of all the other
20 requirements.) We're satisfied. We join those courts."

21 Relying on U.S. v Duncan, and I'm quoting from
22 computer page, it looks like seven, I guess. It's headnote
23 seven. U.S. v Duncan, 919 Fed 2d 981 found there was no
24 requirement that the business records be created by the business
25 having custody of them so that insurance company custodians

1 could lay an adequate foundation admitting records compiled by
2 those companies from the business records of hospitals.

3 To the same effect is U.S. v Childs, 5 Fed 3rd 1328,
4 which accepted documents under Rule 902.11 such as certificates
5 of title and odometer statements that were maintained by an
6 automobile dealership in the regular course of business, though,
7 not originated by the dealership, and also the matter of Ola
8 Construction Equipment, 665 Fed 2d 43, finding that business
9 records are admissible of witnesses testifying that the records
10 are integrated into a company's records and relied upon in its
11 day-to-day operations. And that's what we have here in the case
12 before this Court. I added that. And noting that relevant
13 financial statements were completed at the bank's request and
14 were of the type that the bank regularly used to make decisions
15 whether to extend credit.

16 And further authority support is found in U.S. v
17 Karonco, 551 Fed 2d 1197, holding that freight bills, though
18 drafted by other companies, were business records of a shipping
19 company because they were adopted and relied upon by shipping
20 the company. Etcetera.

21 So I think there's support here, in the argument here
22 is that Feld received these records and made business decisions,
23 or not, based upon the information give to it by USDA, and these
24 records were integrated into the records kept by Feld. I think
25 they come in. I think they come in. I think the certification

1 has been made.

2 I'm going to allow the limited testimony for a couple
3 more reasons. First of all, I don't see any prejudice to the
4 plaintiffs, and I'm not minimizing the hard work they expended
5 in getting their records certified. It would be just as easy
6 for the Court to give the plaintiffs a one-hour recess and issue
7 a subpoena to the director of the Department of Labor in his or
8 her new job and tell that person to come down here and certify
9 that, and my guess is we'd get a certification by a courier in
10 the next ten minutes. So that could be done.

11 Secondly, there is no prejudice to the plaintiffs.
12 You were on notice of these documents.

13 And third, I don't think the documents -- well, I've
14 already indicated I think that an argument could still be made
15 that even if the documents don't come in, there's no evidence in
16 the record, the defendant's aren't precluded from the making the
17 argument there's no evidence in the record that the federal
18 government has ever sanctioned the husbandry practices of Feld
19 Enterprises, so there are at least three reasons for it. The
20 most compelling reason is that I have no doubt that if I
21 directed the director of USDA to certify these as public
22 documents, they'd be certified within the next thirty minutes if
23 not sooner, so for all those reasons, I'm allow the limited
24 testimony.

25 I want plaintiff to preserve plaintiff's objections.

1 If there's a completeness argument, let me know what it is. I
2 want to be fair about that. I'm not so sure that just because a
3 USDA document says so this is in response to your letter that
4 necessarily the letter becomes a part of the record, but, you
5 know, I want you to make the argument anyway. Maybe it does for
6 completeness purposes.

7 Another compelling reason is, even though I'm ruling
8 that I'll allow the records to come in, I'm still going to -- I
9 haven't resolved the merits. At some point I will address and
10 resolve the merits, and I'll give these documents whatever
11 weight, if any, they're entitled to, and I may change my mind
12 about the admissibility at that point. It's a nonjury trial and
13 I have the luxury of doing that, but I want to get on with this
14 trial.

15 So for all those reasons, I will provisionally allow
16 those documents to become part of the evidentiary record now
17 subject to further objections made by plaintiffs.

18 MS. SANERIB: We do have some completeness objections.
19 Should I make those now or should we do it as Mr. Simpson
20 introduces the record?

21 THE COURT: You know what they are. Maybe we should
22 do it -- maybe it would be more appropriate to let you interject
23 at the appropriate time so there's a clear record of your
24 objections.

25 MS. SANERIB: I'm happy to do that, your Honor.

1 THE COURT: All right.

2 Mr. Simpson, so we're down to fifteen minutes now,
3 right?

4 MS. SANERIB: I do want to clarify. Mr. Simpson gave
5 us a short list of these documents from Defendant's Exhibit 71
6 and we're working off that short list, correct?

7 MR. SIMPSON: That's correct, that's correct.

8 THE COURT: All right.

9 So how many minutes do you need?

10 MR. SIMPSON: Well, I don't know that it's fifteen,
11 but it will be a lot shorter than an hour.

12 The defendant calls Jerry Sowalsky.

13 THE COURT: All right.

14 COURTROOM DEPUTY: Sir, would you raise your right
15 hand, please?

16 Do you solemnly swear the testimony you should give in
17 trial will be the truth, the whole truth and nothing but the
18 truth so help you God?

19 MR. SOWALSKY: I do.

20 THE COURT: Go ahead, counsel.

21 Good afternoon, sir. How are you today?

22 THE WITNESS: Very well. Thank you.

23 **JEROME SOWALSKY, WITNESS FOR THE DEFENDANT, SWORN**

24 **DIRECT EXAMINATION**

25 **BY MR. SIMPSON:**

1 Q. State your name for the record, sir.

2 A. Jerome Sowalsky.

3 Q. Are you currently employed?

4 A. Yes.

5 Q. What's your current position of employment?

6 A. I'm executive vice president and general counsel of Feld
7 Entertainment, Inc., and it's affiliate companies.

8 Q. How long have you been with Feld Entertainment, Inc.?

9 A. Thirty-six years.

10 Q. Sir, would you just briefly describe your job
11 responsibilities for the Court?

12 A. Well, I head up a small legal department. We try to do as
13 much of the legal work for the various entities that we have as
14 we can in-house. It ranges from a great many contracts that we
15 do every year, to immigration work, questions that are arise in
16 the tax area, labor, labor and employment matters; the whole
17 range of things that a large corporation would be involved in.

18 Q. Does the company have Asian elephants?

19 A. Yes.

20 Q. Does your department have any responsibility for Asian
21 elephants?

22 A. Yes.

23 Q. Describe that for the Court.

24 A. Well, we didn't get obviously into the care and maintenance
25 of the elephants, but in terms of compliance with the various

1 laws and regulations, both federal, state and local, we try to
2 stay on top of that and make sure that we're in compliance.

3 Q. And at the federal level are those elephants regulated in
4 some way?

5 A. Yes.

6 Q. Describe that, please.

7 A. Well, our primary point of contact with respect to
8 regulation is the Department of Agriculture. And they have
9 authority under the Animal Welfare Act to come out, inspect our
10 animals, and see whether our operations are in keeping with the
11 regulations that they have in place.

12 Q. Now, as to what you just testified to, are you familiar
13 with that process?

14 A. Yes.

15 Q. How are you familiar with that process?

16 A. Well, we receive notices from our units, our traveling
17 units, our units in Florida, of fixed facilities whenever an
18 inspector from the USDA comes out to view the animals, and we
19 ask that the people there cooperate of course. That's part of
20 our standard procedure. And if any noncompliance matters arise
21 during one of those inspections, that would be brought to our
22 attention.

23 Q. Now, when you say "our attention," how are you, Jerry
24 Sowalsky, involved in that process yourself?

25 A. Well, at one point when I was counsel early on in my

1 employment with Ringling, I would be the primary contact because
2 I was the only lawyer. I have several people on a staff now and
3 I would get information usually through those -- through the
4 people who handle that on sort of a hands-on basis.

5 Q. As to the USDA process currently, how do you keep yourself
6 apprised of developments in that area?

7 A. Well, Julie Strauss is generally our point of contact with
8 the USDA and her office is right next door to mine. We meet on
9 a daily basis. She's deputy general counsel, and if -- I would
10 ordinarily be advised if there is an inspection going on, and
11 then of course if there was some issue that arose as a result of
12 the inspection, she would keep me apprised of what was going on.

13 Q. Now, has the United States Department of Agriculture done
14 any investigations of the company?

15 A. Yes.

16 Q. Are you familiar with that process?

17 A. Yes.

18 Q. How are you familiar with that process?

19 A. Well, usually we're contacted by -- it develops in
20 different ways. Sometimes we're contacted again by one of our
21 units saying that a USDA investigator has come out to
22 investigate a complaint that has been made, frequently by an
23 animal rights group, or it might be on their own initiative, and
24 we then contact the USDA and try to arrange to have them come at
25 a time that would be convenient when somebody from the legal

1 department would be there. We have the right to be there on the
2 premises while they talk to our people and investigate whatever
3 it is they're investigating.

4 THE COURT: Do you ever get any complaints from people
5 who just buy a ticket to attend the circus?

6 THE WITNESS: Well, sometimes it's hard to tell
7 because we get complaints from somebody who appears to be a
8 ticket-holder, but on further review we think they're probably a
9 member of one of the groups.

10 THE COURT: How would you know that?

11 THE WITNESS: Well, I think frequently we get that
12 from the USDA themselves. They let us know where the complaint
13 is coming from.

14 BY MR. SIMPSON:

15 Q. Now, are you personally involved in this investigative
16 process with the USDA?

17 A. I have been on occasion, but again, Julie Strauss usually
18 handles -- if there's going to be an interview and somebody
19 needs to be there, it would usually be Julie who would be on the
20 scene and we would discuss whatever issues arose as a result of
21 the investigation and I would be involved if there are any
22 decisions to be made.

23 Q. So she reports to you?

24 A. Yes.

25 Q. Do you believe you're fully informed about what goes on

1 with these USDA investigations?

2 A. Yes.

3 Q. Do the USDA investigations generate any kind of documents
4 from the government, from the USDA?

5 A. Yes.

6 Q. What does that process generate in terms of documents from
7 the USDA to the company?

8 A. Well, ultimately I guess if statements are taken from any
9 of our employees, we will get copies of those. We would then
10 get a report, a copy of the report that was submitted by the
11 investigator, with his conclusion so that we would be in a
12 position then to respond to that.

13 THE COURT: What's the typical process? If the
14 process was instituted by USDA, what would be the -- you'd go
15 into your office one morning and see what or hear what?

16 THE WITNESS: Well, Julie probably would have gotten a
17 phone call.

18 THE COURT: Phone call or --

19 THE WITNESS: Let's say the general manager of our
20 Blue Unit said that we had somebody come out to the unit today
21 and say that they showed us their credentials, they're
22 investigators from the USDA and they have a complaint and this
23 was the nature of the complaint, and Julie would get the
24 information as to who the investigator was and probably call the
25 investigator directly and arrange to have a meeting where they

1 can all get together and talk to the people who were involved
2 with that particular unit in taking care of the animals.

3 BY MR. SIMPSON:

4 Q. So you indicated, I think, that the company would be
5 contacted, there would be information provided to the USDA.
6 What happens after that?

7 A. Well, then it goes into the bowels of the USDA somewhere
8 and the AFIS division of the USDA, and ultimately they will --
9 it usually takes quite a while before there's any conclusion to
10 any of these investigations, but sometimes we get a report
11 saying the investigation has been concluded and basically with
12 no violation. Other times they're just open and we're left
13 hanging. We frequently have to call them to find out whatever
14 happened with the investigation.

15 Q. And when USDA, you say, reports back to you, what form does
16 that report take about the outcome of the case?

17 A. We try to get it in writing of course. We suggested if
18 they've closed the matter, that they write a letter to that
19 effect, and frequently they will do that. Sometimes it's just
20 an oral communication.

21 Q. Now, as to the ones that come to the company in written
22 form, describe the process in terms of how they arrive at the
23 company and what's done with them.

24 A. Well, it's a letter from somebody of authority within that
25 division of the USDA writing a letter, frequently I would say

1 the letters go to Julie, just brief letters, indicating that
2 they've investigated the matter, they have identified the
3 investigation, and saying that the investigation is being closed
4 because they found no violation of any of the regulations.

5 Q. Do these letters come to the legal department?

6 A. Yes.

7 Q. Are they maintained in the legal department?

8 A. Yes.

9 Q. How are they maintained?

10 A. We have a file for each investigation which we keep all the
11 matters relating to that particular investigation.

12 Q. Does Feld Entertainment rely on these documents?

13 A. Yes.

14 Q. How do you rely on these documents?

15 A. Well, we close our file as well. We rely on them in terms
16 of knowing that there's nothing that we have to do in order to,
17 you know, comply with USDA regulations.

18 Q. Mr. Sowalsky, I'd like to call your attention to
19 Defendant's Exhibit 71.

20 A. Yes.

21 Q. Have you had occasion prior to today to review these
22 documents?

23 A. Yes.

24 Q. Would you briefly describe what that is for the Court,
25 these series of documents?

1 A. This is a letter from Ron DeHaven, who is the deputy
2 administrator of the Animal Care Division of US --

3 THE COURT: Do you know him?

4 THE WITNESS: I have met him, yes.

5 THE COURT: You have met him?

6 THE WITNESS: Yes.

7 BY MR. SIMPSON:

8 Q. Who is Ron DeHaven?

9 A. He's a veterinarian, and his title at that point was deputy
10 administrator of the Animal Care Division. I believe he then
11 became administrator, and I think within the last year or so
12 he's left for some position in private industry or some other
13 group, but at the time he was the one that was responding to or
14 in charge of monitoring these investigations.

15 Q. And had you met with Mr. DeHaven before this letter?

16 A. I don't recall whether it was before or after, but I
17 probably had met him at least, you know, face-to-face, at least
18 one occasion before this letter.

19 Q. And the addressee on this letter is Ms. Julie Strauss,
20 who's vice president, corporate counsel, Feld Entertainment?

21 A. Yes.

22 Q. Is that the same Ms. Strauss you referred to prior?

23 A. Yes.

24 THE COURT: I don't think anyone disputes that. Ms.
25 Strauss is in court today.

1 MR. SIMPSON: Yes, sir.

2 THE COURT: All right.

3 BY MR. SIMPSON:

4 Q. Mr. Sowalsky, this makes reference to an investigation
5 initiated in January of 1999. Do you see that?

6 A. Yes.

7 Q. Do you know which investigation that is?

8 A. Well, it's not identified here. I think this may have been
9 the investigations relating to a complaint that was filed by two
10 former employees, Glen Euell and I forget the other fellow's
11 first name, but a fellow named Stechcon, saying that they had
12 seen some elephants abused with an ankus or something to that
13 effect.

14 THE COURT: With what?

15 THE WITNESS: An ankus.

16 BY MR. SIMPSON:

17 Q. Do you know which unit of the circus those two people
18 worked on?

19 A. I don't recall. I believe it was the Blue Unit, but I'm
20 not certain of that. It was one of the traveling units.

21 Q. This indicates it's been closed administratively with no
22 action. Are you aware of any further communication from the
23 USDA on this matter since June 1st, 1999?

24 A. There may have been one follow-up letter dealing with this
25 particular investigation, but it didn't change the conclusion.

1 Q. All right. Well, let me refer you to page two of this same
2 exhibit.

3 MS. SANERIB: Before we move off of page one, I do
4 want to object to the admission of page one of DX 71, again for
5 same thing: there's no indication that this type of letter is
6 something that's used in the day-to-day business operations of
7 Ringling Brothers Circus.

8 Plaintiffs also have a completeness objection to this
9 letter coming in, and that is, that the underlying investigative
10 report for this, we think if the letter comes in, that
11 underlying investigative report needs to come in. That report
12 was produced in discovery. It was produced as PL 14099 to 107,
13 and we have a copy of that electronically if we need to use
14 that.

15 THE COURT: All right. I'll reserve ruling on the
16 completeness argument. I mean, at some point I'll take a look
17 at the document and I'd be interested in whatever additional
18 legal authority you may have on the completeness argument. I'm
19 not so sure that it comes in, but I want to see it anyway and
20 then I'll certainly entertain your argument with points of
21 authorities you have.

22 MS. SANERIB: Okay.

23 BY MR. SIMPSON:

24 Q. Do you recognize this as page two of Exhibit 71, sir?

25 A. Yes.

1 Q. What letter is this?

2 A. This is a letter from Elizabeth Goldertyer, who is the
3 Eastern regional director of the Animal Care Division of the
4 Department of Agriculture.

5 THE COURT: Do you know her?

6 THE WITNESS: I don't know her personally. I've
7 spoken to her on the telephone, but I don't know her personally.

8 BY MR. SIMPSON:

9 Q. What do you understand her position in the USDA to be, sir?

10 A. Well, the USDA has regional offices, and when a matter
11 comes up for investigation, it's ordinarily directed to the
12 office in which the violation, you know, the alleged violation
13 took place, and somebody from that office would then go out,
14 investigate and report, in this case to the Eastern regional
15 director.

16 Q. Do you recognize the case number that's been highlighted in
17 the re: line here, FL 99028AW?

18 A. I think that may have been a case involving the elephant
19 named Benjamin.

20 Q. You think that was Benjamin?

21 A. I believe so.

22 Q. All right. Let's move to the next document?

23 MS. SANERIB: And again, on this document, your Honor,
24 we object to it coming in. We don't think there's been any
25 testimony that these records are used in the day-to-day business

1 operations of Feld Entertainment, and we also have the same
2 completeness objection to this record. We think it's the same
3 investigation report that goes along with the second page of DX
4 71 as the first page.

5 THE COURT: All right.

6 BY MR. SIMPSON:

7 Q. Do you recognize this? This is an August 21st letter from
8 the same individual to Ms. Strauss?

9 A. Yes.

10 Q. Do you recognize this document?

11 A. Yes.

12 Q. It makes reference to a whistleblower complaint of elephant
13 abuse. Do you remember what case that was?

14 A. Well, it's the same as the prior letter, so I think it
15 probably related to the Benjamin incident as well.

16 Q. If we could go to the next page that I've offered in this
17 exhibit, which is 5.

18 MS. SANERIB: And again, your Honor, we object to that
19 page of this exhibit coming in for the same reasons. I'd also
20 say it doesn't seem that the witness has the requisite personal
21 knowledge to be able to certify these records as business
22 records of the company, so I'd add that to our objections as
23 well.

24 THE COURT: All right.

25 BY MR. SIMPSON:

1 Q. Page five of Defendant's Exhibit 71 is a letter to Ms.
2 Strauss dated July 8th. Actually, it has two dates: July 8th
3 and July 2nd, 2002. If we could go to the last page of that.
4 Next page, please. From Chester A. Gipson. Do you see that,
5 sir?

6 A. Yes.

7 Q. Who is Chester A. Gipson?

8 A. Well, at that time he was the deputy administrator, animal
9 care, of the USDA.

10 Q. All right. Could we go back to the first page? There is
11 reference made to a case number, CA 302005AC. Do you see that
12 at the top, August 25th, 2001, Humane Seat of Santa Clara
13 Investigators and the city of San Jose police officer witnessing
14 an animal handler for Ringling Brothers Barnum-Bailey Circus
15 lunge toward and apparently strike a Feld-owned female Asian
16 elephant with a bullhook or an ankus, are you familiar with that
17 investigation?

18 A. Yes.

19 Q. Which performer did that investigation involve?

20 A. You're asking about the performer?

21 Q. The person accused of the animal abuse.

22 A. I think it was Troy -- his last name will come back to me,
23 but it was --

24 Q. Could it be Mark Oliver Gebel?

25 MS. SANERIB: Objection, leading; your Honor.

1 THE COURT: Sustained.

2 BY MR. SIMPSON:

3 Q. There's reference made down to the next paragraph, case
4 number 2009 and 136, abuse of elephants from June 1997 through
5 November 1999 by a former Feld employee, stating that he
6 witnessed several beatings and the mishandling of elephants. Do
7 you see that?

8 A. Yes.

9 Q. Are you familiar with those allegations?

10 A. Yes.

11 Q. Do you know who that former employee is?

12 A. I believe that was Tom Rider.

13 Q. Was there any other person that you're aware of that worked
14 for Feld Entertainment during that time frame that made such
15 allegations?

16 A. No.

17 Q. If we could go to page twelve. This is a January 31st,
18 2001 letter to Ms. Jeannie Parron from W. Ron DeHaven. Who is
19 Ms. Jeannie Parron or Dr. Jeannie Parron?

20 A. She's an attorney. She's also a veterinarian who is with
21 the law firm of Covington and Burlington who was representing us
22 at that time.

23 Q. Do you recall this letter, sir?

24 A. Yes.

25 Q. Do you recall what this was about?

1 A. This involved our Williston, Florida facility. There was
2 an elephant there by the name of Tillie. It was an elephant
3 that did not -- was not owned by Feld Entertainment. It was
4 owned by another individual who was out of the country at the
5 time. On an inspection that had at the facility, it was
6 determined that this elephant had tuberculosis and they
7 instructed that it go into treatment for that ailment. Our
8 veterinarian was reluctant to do that until he talked to the
9 owner and obtained permission from the owner of the elephant --
10 I believe her name was Patty Zirboni -- and the USDA refrain
11 from forcing the issue until she returned and he could get the
12 permission to commence the treatment, which they ultimately did.

13 Q. And if we could also go in this same exhibit to page seven?

14 MS. SANERIB: I'm not sure if you're offering page
15 twelve, but if you are --

16 MR. SIMPSON: I'm going to offer it all at once.

17 THE COURT: And provisionally admitted then subject to
18 plaintiffs' objections.

19 You don't have to repeat each one. You made your
20 records.

21 MS. SANERIB: Should I do my completeness at the end
22 or --

23 THE COURT: Do it at the end. If you have some points
24 of authorities you want the Court to consider -- how voluminous
25 are the documents that you wish to offer under this completeness

1 theory?

2 MS. SANERIB: They're not particularly voluminous.

3 THE COURT: Why don't you provide the Court with
4 copies this evening or tomorrow so I can rule on it and whatever
5 additional points of authorities and law you wish to rely on.

6 MS. SANERIB: Thank you, your Honor.

7 THE COURT: All right.

8 BY MR. SIMPSON:

9 Q. Page seven, sir, is a letter dated August 31st, 2000 from
10 Goldentyer to Ms. Strauss?

11 THE COURT: It may well be that defendants don't
12 object, I don't know. Have you talked with them, spoken to them
13 about your completeness objection with respect to these
14 documents?

15 MS. SANERIB: No, I have not. I'll confer with them
16 before I do the filing tonight.

17 BY MR. SIMPSON:

18 Q. This makes reference, sir, to an investigation into the
19 death of Benjamin. Are you familiar with that case?

20 MS. SANERIB: Objection; leading.

21 THE WITNESS: Yes.

22 THE COURT: It is. Let's refrain from leading,
23 counsel. He's an attorney also. Don't lead him.

24 BY MR. SIMPSON:

25 Q. Are you familiar with this document?

1 A. Yes.

2 Q. What does it concern?

3 A. It concerns an incident involving the death of a young
4 Asian elephant in Texas. The name of the elephant was Benjamin.

5 Q. Does this state what the outcome of this case was?

6 A. Yes.

7 Q. Do you have any reason to believe that it does not
8 accurately state what the outcome of this case was?

9 A. No. I think it does accurately state that.

10 Q. And in the re: line at the top, is that the case number?

11 A. Yes.

12 Q. All right. Let's --

13 THE COURT: How did Benjamin die?

14 THE WITNESS: Benjamin was in transit and the person
15 who was transporting him stopped, I think it was for an
16 overnight stop. There were two elephants that were being
17 transported. Benjamin -- there was a pond at this facility and
18 both the elephants went into the pond -- it was warm weather --
19 to bathe and to do what elephants do when they go into the
20 water. This young -- the older elephant came out of the water.
21 The younger one stayed in and apparently had some kind of heart
22 condition and had what was ultimately determined to be a heart
23 arrhythmia like some of the young athletes have from time to time
24 and it drowned.

25 BY MR. SIMPSON:

1 Q. If we could go to page eight of this same exhibit. Do you
2 recognize this document, sir?

3 A. Yes.

4 Q. Does this concern that same case?

5 A. Yes.

6 Q. Page nine, do you recognize this document, which is from
7 Ron DeHaven to Mr. Harris Weinstein and Ms. Parron?

8 A. Yeah. If you could --

9 Q. Blow it up?

10 A. Blow it up a little, it would be easier to read. Yes.

11 Q. And at the time were these two individuals representing the
12 company?

13 A. They were.

14 Q. And what, sir, does this letter concern?

15 A. This letter concerns the death of an elephant named Kenny
16 in, I think it was in Jacksonville, Florida, while it was on
17 tour.

18 Q. What was the outcome of the Kenny investigation?

19 A. It was resolved through a settlement with the USDA.

20 Q. Was there a finding of violation of any kind?

21 A. No.

22 Q. If we could go to page --

23 THE COURT: How did he die, how did Kenny die?

24 THE WITNESS: Well, it was determined ultimately that
25 he had some sort of severe viral infection that affected his

1 gastric system. I believe that was the outcome, yeah.

2 BY MR. SIMPSON:

3 Q. If we could go to page thirteen. This is a letter to Ms.
4 Strauss from Robert Gibbons. Do you know who Robert Gibbons is?

5 A. I don't know Robert Gibbons, you know, personally, but I
6 recognize the name as being the director of the Western region
7 of the USDA.

8 Q. How do you know that?

9 A. Well, we have had correspondence and discussions with him
10 about various things through the years.

11 Q. This is an April 5th letter, 2001, referring to a
12 investigation concerning alleged violations occurring in the San
13 Francisco Bay area last fall, which would be 2000. Are you
14 familiar with that matter?

15 A. Yes.

16 Q. Which matter was that?

17 A. It was a matter in which one of the animal rights people
18 was video-taping behind the scenes. They were outside the
19 facility but behind the scenes for a considerable period of
20 time. He was there every day for several days video-taping what
21 was going on in and around the circus area, and he had some
22 footage that showed one of the animal handlers using the ankus
23 to control the elephant in a way that he felt was abusive and I
24 guess he reported it to the USDA.

25 Q. Okay. If we could look at page fourteen, which is a letter

1 from Ron DeHaven to Julie Strauss, dated July 14th, 2001.

2 You've seen this document before?

3 A. Let me just take a look here. Yes.

4 Q. And what, sir, did this document concern?

5 A. During an investigation at our -- or it was an inspection,
6 actually, it was not an investigation at the time, during an
7 inspection of our facility in Polk County, Florida, the
8 inspector saw that there were some marks on two young elephants
9 and asked about it and determined that in the separation process
10 from the elephant's mother, that --

11 THE COURT: What do you mean, separation process?

12 THE WITNESS: Well, they're weaned from their mothers
13 at some point, as we do with humans actually, but there are
14 procedures for doing that with the elephants so that the young
15 ones don't get too excited about it and the mother doesn't get
16 too excited about it and it's done very gradually, and usually
17 it's done with some tethers that are wrapped in soft cotton and
18 they're separated for short periods of time and then longer
19 periods of time, and there was some thought that perhaps that
20 had been done in an inappropriate way because there were marks
21 on the young elephants's legs.

22 THE COURT: From the chains?

23 THE WITNESS: Yeah, from the tethers that had been put
24 on him, even though they had been wrapped, and it was determined
25 ultimately, because this was put out to a group of experts as to

1 whether this was an appropriate way to separate young elephants
2 from their mother, I think there were eight or nine so-called
3 experts who voiced an opinion about it, and virtually all of
4 them I think except for one said that this was an appropriate
5 way of doing it so that ultimately the matter was closed with a
6 finding that there had been no violation.

7 BY MR. SIMPSON:

8 Q. Do you remember the identity of the two elephants involved
9 in this matter?

10 A. I think one was Doc and one was Angelica.

11 Q. And if I could turn you, sir, to page fifteen of
12 Defendant's Exhibit 71, which is a February 4th, 2008 letter to
13 Thomas Albert from Elizabeth Goldentyer. Who is Thomas Albert?

14 A. Well, it says on the letter he's our vice president of
15 government relations.

16 Q. What department does he work in?

17 A. Well, that's a department within the company government
18 relations. It's actually a department that reports to me.

19 Q. So he reports to you?

20 A. Yes.

21 Q. And do you recall what this letter concerned, which matter
22 this letter concerned?

23 A. There have been a number of them. The one in Tulsa, I
24 think the date there is probably wrong, I think.

25 Q. Which date, the one that's underlined?

1 A. Not the one on the letter, but the one in the body of the
2 letter. It says Tulsa, Oklahoma 2007.

3 Q. What should it be?

4 A. I think it was a matter that arose in 2006.

5 Q. And as to that particular situation, Tulsa in 2006, what
6 was the matter, do you remember?

7 A. I'm not sure I recall precisely what that matter was.
8 There was one instance in which an animal rights activist got
9 pretty close to some of the elephants and I believe the elephant
10 handler at the time who was trying to control the situation
11 turned around and bumped into this fellow. In doing that I
12 don't think there were any injuries involved, but as a result of
13 that, this person filed a complaint saying that he had been
14 threatened by our animal handler, through the use of elephants
15 that he had been intimidated, and an investigation was
16 undertaken, and as you can see from the letter, it was closed
17 due to lack of evidence of any violation.

18 Q. Are you familiar with an allegation concerning Sacha Houck
19 in Tulsa, Oklahoma in 2006?

20 A. Yes. It's this particular.

21 Q. Is that this case?

22 A. I believe it's this case, yes.

23 Q. And one final document in this exhibit that I actually
24 skipped over inadvertently is page eleven. And this is a May
25 3rd, 2002 letter from Goldentyer to Ms. Strauss. Do you

1 recognize this, sir?

2 A. I recognize the letter, yes.

3 Q. Do you remember what matter this concerned?

4 A. Well, in 2002 I believe one of the matters related to an
5 incident that occurred in San Jose in which there was an
6 allegation that one of our performer animal handlers had injured
7 one of the elephants. That was actually the subject of a
8 criminal suit in San Jose in which the person, the alleged
9 perpetrator was found not guilty without even presenting a case
10 because the other side's counsel really document that anything
11 had happened there. The other one I'm not sure. I know there
12 was a complaint in connection with something that happened in
13 Oakland. I'm not sure whether that's it or not.

14 MR. SIMPSON: Based on that, your Honor, we offer
15 Defendant's -- we'll call it Defendant's 71A, which is pages one
16 through three, five, and seven through fifteen.

17 THE COURT: Over objection and essentially for the
18 reasons previously articulated by the Court and subject to
19 plaintiffs offering additional evidence under plaintiffs'
20 completeness theory or either a stipulation that defendants
21 don't object to receipt of additional evidence.

22 (Defendant Exhibit No. 71A was admitted into evidence
23 at about 4:15 p.m.)

24 BY MR. SIMPSON:

25 Q. Let me refer you, sir, to Defendant's Exhibit No. 86 at

1 page 39. This is an August 9th, 2001, letter to Ron DeHaven
2 from Jeannie Perone. Do you recognize this letter concerning
3 the handling practices of two weaning elephants?

4 A. Yes.

5 Q. And let me refer you also to page forty of that same
6 exhibit, which is a letter to Jeannie Perron from Ron DeHaven.
7 Do you recognize this letter, sir?

8 A. Could you blow it up a bit? Thank you. Yes.

9 Q. Does page forty respond to page 39?

10 A. It does.

11 MR. SIMPSON: We offer as Defendant's Exhibit 86A
12 pages 39 and 40 of Defendant's Exhibit 86.

13 THE COURT: Over objection, admitted.

14 (Defendant Exhibit No. 86A was admitted into evidence
15 at about 4:17 p.m.)

16 MS. SANERIB: We object, your Honor. We don't think
17 this is business records. It's rank hearsay. It doesn't come
18 in. Both of these letters indicate they were prepared in
19 preparation with an eye toward litigation, and I don't think
20 they come in under the business records exception.

21 THE COURT: Admitted over objection.

22 BY MR. SIMPSON:

23 Q. Mr. Sowalsky, you indicated that the USDA also inspects the
24 circus?

25 A. Yes.

1 Q. When they inspect the circus, does that generate
2 documentation?

3 A. Yes.

4 Q. What kind of documentation does that generate of the USDA?

5 A. An inspector fills out a form that he has, which is an
6 inspection report, and ordinarily at the end of the inspection
7 leave a copy with us and forward his inspection report to his
8 home office, I guess.

9 Q. Does the representative of the company have to acknowledge
10 receipt?

11 A. Yes.

12 Q. And when that document is provided to the company, does it
13 go to your legal department?

14 A. Yes.

15 MS. SANERIB: Objection; leading.

16 THE COURT: Sustained.

17 BY MR. SIMPSON:

18 Q. Where does that document go when it's provided to the
19 company?

20 A. It goes to -- currently it goes to somebody who coordinates
21 the collection of that document and then forwards copies under
22 company procedures to the units to the legal department in the
23 normal course of business and to I think government relations.

24 Q. Do you maintain a file in the legal department of these
25 documents?

1 A. Yes.

2 Q. Does the company rely on these documents?

3 A. Yes.

4 Q. How does it rely on these documents?

5 A. Well, we rely on it to the extent if there's no violation
6 we know that we're in compliance. If there are things that are
7 found to be not in compliance, we would then undertake to make
8 certain that whatever had gone wrong was taken care of within
9 the time frame. We usually give them a time allowance to
10 correct any deficiencies.

11 Q. Let me show you Defendant's Exhibit 73.

12 Enlarge that a little bit.

13 A. Yes.

14 Q. Have you had a chance to review this exhibit prior to
15 today, sir?

16 A. Yes.

17 Q. And what is this exhibit, what are the documents in this
18 exhibit?

19 A. Well, this is the inspection report that I was just
20 referring to. This is the form that the inspector would fill
21 out upon conclusion of his inspection.

22 Q. If we could go to the bottom of that page. Do you
23 recognize the signatures at the bottom? Well, actually, who's
24 the second signature of?

25 A. It's somebody out on our unit. It's Jeff, and I'm not

1 familiar with this particular person. It would be unusual for
2 the purchasing agent of a unit, but he must have accompanied the
3 inspector during this inspection and been given that assignment,
4 and what he's doing here is just acknowledging receipt of the
5 report.

6 Q. Are the documents -- let's go back to the top. Which unit
7 of the circus does this concern?

8 A. This is the Blue Unit.

9 Q. Are the rest of the documents in this exhibit the same
10 types of inspection reports?

11 A. Yes.

12 Q. And you've reviewed them personally?

13 A. Yes.

14 MR. SIMPSON: We offer Defendant's 73.

15 THE COURT: I assume same objection, correct?

16 MS. SANERIB: Actually, your Honor, we don't object to
17 the inspection reports coming in. We think under what has
18 occurred already in the law of the case, inspection reports are
19 public records and they come in. We do not agree that these are
20 business records, but we agree that they come in as public
21 records.

22 THE COURT: Admitted.

23 MR. SIMPSON: In that case, I'll also offer
24 Defendant's Exhibit 74, which is inspection reports for the Red
25 Unit.

1 MS. SANERIB: No objection, again as a public record,
2 coming in as a public record.

3 THE COURT: Admitted.

4 (Defendant Exhibit Nos. 73 and 74 were marked for
5 identification at about 4:21 p.m.)

6 BY MR. SIMPSON:

7 Q. Is the company inspected by state and local agencies?

8 A. Yes.

9 Q. Does that generate any kind of documentation?

10 A. It ordinarily generates some type of inspection report.

11 Each state has its own form. Sometimes it's informal, it's just
12 a written-out report, but ordinarily it's a form that's dictated
13 by the state authority that deals with this.

14 Q. And when those documents are generated, do they come to the
15 company?

16 A. Yes.

17 Q. Do they go to the legal department?

18 MS. SANERIB: Objection; leading.

19 THE COURT: Sustained.

20 Where do they go?

21 BY MR. SIMPSON:

22 Q. Where do they go?

23 A. It's the same process. It's somebody who takes care of
24 compliance for the animal records, it goes to that particular
25 person, who then forwards copies to the legal department. We

1 retain that in our file and it goes to whatever unit is
2 involved. If there's something in there that would be of
3 interest to a veterinarian, it might go to the veterinarian.

4 Q. Does the company rely on those documents?

5 A. Yes.

6 Q. How does it rely on those documents?

7 A. Well, the same as with the federal. If there is
8 compliance, if it indicates that there's compliance, there's no
9 action to be taken, we rely on that. If there are noncompliant
10 matters, then we address that and make sure that there's
11 somebody who's going to take care of that within whatever time
12 limits are given.

13 Q. Let me show you Defendant's Exhibit 80, sir. Have you had
14 a chance to review the documents in this exhibit prior to today?

15 A. Yes.

16 Q. What are the documents in this exhibit?

17 A. Well, this is a document issued by a state authority, the
18 state of Florida. Somebody had come out to inspect our animals,
19 and here it was at the Miami arena. It's just the report that
20 was generated as a result of that inspection.

21 Q. Are the rest of the documents in Exhibit 80 of the same
22 nature?

23 A. They are. Some relate to other states of course, but they
24 are of the same nature, yes.

25 MR. SIMPSON: We offer Defendant's 80.

1 THE COURT: Any objection?

2 MS. SANERIB: Your Honor, we object on hearsay
3 grounds. We don't think there's any exception that applies to
4 these records. We also have an authentication objection to FEI
5 2190739536 and 2262. Those three pages of this exhibit, it's
6 completely unclear who generated those documents, where they
7 came from, so forth and so on, so we object on that basis as
8 well.

9 MR. SIMPSON: We can just exclude those three.

10 BY MR. SIMPSON:

11 Q. Let me refer you to Exhibit 81. Have you had a chance to
12 review the documents in this exhibit, sir?

13 A. Yes.

14 Q. What are the documents in this exhibit?

15 A. This was an inspection report issued by the Nassau County,
16 New York SPCA.

17 Q. Have you personally reviewed the rest of the documents in
18 this exhibit?

19 A. Yes.

20 Q. Are they of the same nature?

21 A. Yes.

22 MR. SIMPSON: We offered Defendant's 81.

23 MS. SANERIB: We object on hearsay grounds. We don't
24 think this has anything to do with the day-to-day business
25 operations of Feld Entertainment. These records shouldn't come

1 in. They're from outside entities.

2 THE COURT: Counsel, same argument, I assume?

3 MR. SIMPSON: It's the same argument. It's the same
4 exact --

5 THE COURT: Admitted subject to the same. The Court
6 recognizes the objections made by the plaintiff, and subject to
7 the reasons previously articulated, that document will be
8 admitted.

9 (Defendant Exhibit No. 81 was admitted into evidence
10 at about 4:24 p.m.)

11 BY MR. SIMPSON:

12 Q. Let me refer you to Plaintiffs' May Call Exhibit 33, which
13 is a letter to Adam Pascandola of the Washington Humane Society,
14 dated June 5th, 2005 from Julie Strauss of Feld Entertainment.
15 Do you recognize this document?

16 A. Yes.

17 Q. What did this document concern?

18 A. It concerned an incident in which the representatives of
19 the Washington Humane Society came to the show while it was in
20 Washington, D.C., representing that they had authority to
21 inspect the animals, that they had legal authority to inspect
22 the animals when in fact they did not, but they were given
23 access and did I believe inspect the animals at the time. This
24 was a letter of protest saying that they had misrepresented
25 themselves.

1 MR. SIMPSON: We offer Plaintiffs' May Call Exhibit
2 33.

3 MS. SANERIB: Your Honor, we object to this. First of
4 all, this is a plaintiffs' exhibit, not a defendant's exhibit.
5 We elected not to introduce this in our case in chief. We don't
6 think defendants, because they neglected to put it on their
7 pretrial statement, should be able to use this letter.

8 Our second objection is this is rank hearsay. It
9 should not come in. This is an advocacy piece written by
10 someone at Feld Entertainment trying to convince a local
11 authority not to bring an enforcement action against them. We
12 think the D.C. Circuit law is clear, this type of information is
13 not a business record, it doesn't come in under that exception.

14 THE COURT: Was this listed, counsel?

15 MR. SIMPSON: It was listed on their exhibit list,
16 that's correct.

17 THE COURT: Not yours?

18 MR. SIMPSON: Not ours.

19 THE COURT: I'm not going to allow it.

20 MR. SIMPSON: I would just state for the record, your
21 Honor, we have a completeness objection because they introduced
22 as Plaintiffs' Will Call 28 the letter that prompted this
23 response, so we just think the file ought to be complete.

24 THE COURT: I understand what you're saying.

25 What about that?

1 MS. SANERIB: I don't think their completeness
2 objection was reserved on their pretrial statement.

3 THE COURT: They're making it now. Why shouldn't I
4 have all the competent evidence?

5 I'll provisionally allow that under that theory,
6 completeness. If plaintiffs want to keep it out and provide me
7 with some case law and persuade me not to give it any weight.

8 MS. SANERIB: I mean, your Honor, you made it clear in
9 your pretrial order when we submitted our objections, that was
10 it, that was all we got to do, so they're now raising an
11 entirely new objection that wasn't in their objections to our
12 pretrial statement to try to get this document into evidence,
13 and that's unfair.

14 THE COURT: Why didn't you make your completeness
15 argument then?

16 MR. SIMPSON: Well, it's the same process that we
17 followed before in terms of not re-listing three or four hundred
18 exhibits on their list on our list. First of all, it was a may
19 call exhibit. We didn't know if they'd offer it. They
20 ultimately did. I think now that they did and you allowed it
21 in, we have a completeness issue, so all we want is a response.

22 THE COURT: I'm inclined to allow it. I'll focus on
23 whatever legal authority plaintiffs want to submit to persuade
24 me not to give it any weight.

25 (Plaintiffs' May Call Exhibit No. 33 was admitted into

1 evidence at about 4:27 p.m.)

2 BY MR. SIMPSON:

3 Q. Mr. Sowalsky, are you familiar with the Endangered Species
4 Act?

5 A. Yes.

6 Q. And the regulations issued under the Endangered Species
7 Act?

8 A. Yes.

9 Q. Let me refer you, sir, to Defendant's Exhibit 5, which is
10 already in evidence.

11 THE COURT: How much longer? We've been at it for
12 about two hours now with the argument and everything else.
13 We'll take a ten-minute recess.

14 How much more time do you need?

15 MR. SIMPSON: Twenty minutes.

16 THE COURT: I'm thinking about 9:30 tomorrow start to
17 make up some time, and 9:30 definitely on Friday.

18 (Recess taken at about 4:27 p.m.)

19 COURTROOM DEPUTY: Please remain seated. This Court
20 is again in session.

21 (Back on the record at about 4:49 p.m.)

22 THE COURT: All right. Let's proceed.

23 BY MR. SIMPSON:

24 Q. Mr. Sowalsky, let me direct your attention, sir, to
25 Defendant's Exhibit 35, which is in evidence. Do you recognize

1 this letter, sir?

2 A. Yes.

3 Q. Can you describe for the Court what the circumstances of
4 this letter were?

5 A. This is a letter that I received from Fish and Wildlife
6 Service and Department of Interior clarifying for us, meaning
7 the circus, questions that he we had in our mind regarding
8 whether or not we needed to apply for a permit to engage in what
9 we regarded as our normal activities of taking the circus from
10 state to state, Interstate Commerce, and it was an assurance to
11 us that they had just adopted new regulations to make it clear
12 that the provision of the Act, of the regulations that had been
13 in effect were being clarified to say that commercial activity
14 was not intended to include what we were doing, but it was
15 intended to regulate transfers and sales of wildlife from people
16 who were in the business of transferring animals.

17 Q. To your knowledge, sir, has Fish and Wildlife ever
18 withdrawn this position?

19 A. No.

20 Q. Has Fish and Wildlife ever indicated to the company to your
21 knowledge that you needed any other kind of permit?

22 A. Not to engage in what we regard as our normal business
23 activities, no, sir.

24 Q. And maybe make it more specific, with respect to your Asian
25 elephants?

1 A. No.

2 Q. Has the Fish and Wildlife ever indicated to you or to the
3 company that the way the company is handling its Asian elephants
4 is a taking?

5 A. No.

6 Q. Has Fish and Wildlife ever indicated to the company that
7 use of the bullhook constitutes a taking?

8 A. No.

9 Q. Has Fish and Wildlife ever indicated to the company that
10 the manner in which the company restrains or chains or tethers
11 its elephants is a taking?

12 A. No.

13 Q. Let me direct your attention, sir, to Defendant's Exhibit
14 193 alpha, A, and, your Honor, 193 already in evidence is a
15 series of permits, and I want to show the witness this one,
16 which is one that just came out. Do you recognize this, Mr.
17 Sowalsky?

18 A. Yes.

19 Q. What is it?

20 A. This is a permit issued by the federal Fish and Wildlife
21 Service. It's a captive bred wildlife permit that --

22 THE COURT: It's for wild animals born in captivity,
23 is it?

24 THE WITNESS: Yes, yes.

25 BY MR. SIMPSON:

1 Q. If we could go down to Item E, capital E as in echo, do you
2 see that, sir?

3 A. Yes.

4 Q. There's a reference made in this document to authorized to
5 take for normal husbandry practices. Do you see that?

6 A. Yes.

7 Q. What does that mean?

8 A. Well, we took that to mean -- we take that to mean that if
9 we're engaging in normal husbandry practices in accordance with
10 the regulations and procedures adopted by the USDA under the
11 Animal Welfare Act, that there's no need for us to obtain any
12 other permit.

13 Q. Now, which classification of the company's elephants does
14 this permit apply to?

15 A. Asian elephants, and I guess it's a carry-over from a time
16 in which we had leopards, so it includes leopards as well.

17 Q. Are there --

18 THE COURT: What does that mean, "normal husbandry
19 practices"?

20 THE WITNESS: Well, I think it comes out of the Animal
21 Welfare Act and the regulations there that where the USDA has
22 established a bunch of standards for care and treatment of
23 animals and in terms of what's required to normally take care of
24 an animal or various kinds of animals. They have different
25 categories, of course, for different animals, and it establishes

1 that as the standard, and I think that's what they're referring
2 to here.

3 BY MR. SIMPSON:

4 Q. Now, does this permit, 193A, apply to all of the company's
5 Asian elephants?

6 A. It applies to those that were captive-bred.

7 Q. And so are there other elephants the company has that
8 aren't captive bred?

9 A. Yes.

10 Q. Is your understanding of the standards in terms of how
11 those animals should be handled any different than what this
12 permit says is for the captive-bred wildlife animals?

13 A. No. You still kept normal husbandry practices that you
14 would have to follow.

15 Q. Has the Fish and Wildlife Service ever indicated to the
16 company that a practice that is in full compliance with the
17 Animal Welfare Act could be a taking?

18 A. No.

19 MR. SIMPSON: We offer Defendant's 193A.

20 THE COURT: Any objection?

21 MS. SANERIB: No objection, your Honor.

22 THE COURT: Admitted.

23 (Defendant Exhibit No. 193A was admitted into evidence
24 at about 4:55 p.m.)

25 BY MR. SIMPSON:

1 Q. Sir, let me refer you, if I could, to Defendant's Exhibit
2 1. Do you recognize this document?

3 A. Yes.

4 Q. And also just for reference, the first page of this?

5 A. Yes.

6 Q. Well, let's get it on the screen. Page one. The next
7 page, page two.

8 MS. SANERIB: Again, your Honor, that is the chart
9 that plaintiffs have objections to the testimony section of the
10 Pre-Act column that falls in the far right, and we talked about
11 this chart with Mr. Jacobson. We talked about this chart again
12 yesterday.

13 MR. SIMPSON: It's a different chart, your Honor.
14 It's not the same one.

15 THE COURT: It's not the same one we talked about
16 yesterday?

17 MR. SIMPSON: No. It's a condensed version of that
18 document, but it's different, and I'd like to lay the
19 foundation.

20 THE COURT: I told counsel I'd give him the
21 opportunity to lay a foundation. I'm not so sure it was this
22 chart we were talking about, but this is the chart you
23 designated as a potential exhibit?

24 MR. SIMPSON: This is our own exhibit. This is a
25 different one than the one we argued about yesterday.

1 MS. SANERIB: That's fine if we want to lay the
2 foundation, but I don't know how to display the document while
3 he's doing that.

4 THE COURT: You're not prejudiced by it. Let's
5 proceed.

6 BY MR. SIMPSON:

7 Q. Mr. Sowalsky, what does this document represent?

8 A. Well, you can tell by captions of the various columns it
9 names an elephant, gives the gender, date, and place of birth of
10 that particular elephant, and acquisition date and the source,
11 basically where that elephant came from. And at the time it was
12 prepared at least, where that elephant was currently located,
13 and then the column regulatory status and evidence thereof
14 indicates a description of how we arrived at the conclusion that
15 this was a Pre-Act, what's called a Pre-Act elephant.

16 Q. What does that mean, Pre-Act elephant?

17 A. Well, it was an elephant that was in captivity either at
18 the time the Endangered Species Act became effective in 1973 or
19 at the time that a particular species, such as the Asian
20 elephant, was added to the list of endangered animals by the
21 Fish and Wildlife Service.

22 Q. And as to this column all the way over to the right-hand
23 side with the number of materials listed, what are the materials
24 listed in this column?

25 A. Well, there's the Asian -- it starts with the Asian

1 elephant North American Regional Studbook. That's a common
2 studbook. That's -- forgot the organization that maintains that
3 studbook, but all captive elephants are supposed to be listed in
4 this particular common studbook for all of North America.

5 Q. Are you familiar with the other documents apart from the
6 stud book, the other documents that are cited in this column?

7 A. Yes. There was an affidavit prepared by one of our
8 employees, Tim Holst, an affidavit by another woman who was an
9 employee at the time, Donna Gautier, and there is documents in
10 which a reference was made to the Pre-Act status of this
11 particular elephant named Jewell.

12 Q. Now, these affidavits you made reference to when they were
13 prepared, what was the purpose of preparing them, do you know?

14 A. Yes. I believe in each case it was the fact that we were
15 taking the animals outside the United States, I think to Canada
16 and Mexico, and there may have been a situation in which we took
17 Asian elephants to Japan, and for that we needed a certificate
18 or under the CITES convention, which permits -- it's an
19 international convention, that government earns the
20 transportation and transport of elephants across national
21 borders for all the countries that are signatories to that
22 particular treatie and the Fish and Wildlife Service is the
23 designated management agent of that treatie for the United
24 States and they are the authority that issues this kind of
25 certificate and permit to transport those elephants inter-

1 nationally.

2 Q. Is the reference there at the bottom to CITES certificate
3 one of those certificates?

4 A. Yes.

5 Q. Have you personally reviewed the documents that are cited
6 in this column in this chart?

7 A. Yes.

8 Q. Let me refer you to Defendant's Exhibit 3 and ask you, sir,
9 are these the documents that you just made reference to?

10 A. Well, the one that's on the screen right now is the
11 affidavit that was signed by Donna Gautier.

12 Q. Have you had a chance to review the documents in
13 Defendant's Exhibit 3 prior to today?

14 A. Yes.

15 Q. And are these the documents that are cited in that right-
16 hand column of Defendant's Exhibit 1?

17 A. Yes.

18 Q. Are these the documents in Defendant's Exhibit 3 documents
19 that are maintained in the ordinary course of Feld
20 Entertainment's business?

21 A. Yes.

22 Q. Are they true and accurate copies of same?

23 A. Yes.

24 MR. SIMPSON: Your Honor, we offer Defendant's Exhibit
25 1 and Defendant's Exhibit 3 as exhibits that were never objected

1 to by plaintiffs on any grounds other than completeness which
2 we'd be happy to cure, but the only objection that's ever been
3 made to either of these exhibits is that the chart that we did
4 argue about two days ago should come in with this, which we
5 don't have any objection to, but this is a condensed version of
6 that same chart limited to the seven Asian elephants at issue in
7 this case and the supporting documents therefore as to which
8 there's been no objection made by the plaintiffs at all.

9 THE COURT: Counsel?

10 MS. SANERIB: Your Honor, we still don't think that
11 there's a sufficient foundation for the chart that's DX 1 coming
12 in based on DX 3.

13 THE COURT: All right. Admitted over objection.

14 (Defendant Exhibit Nos. 1 and 3 were admitted into
15 evidence at about 5:01 p.m.)

16 BY MR. SIMPSON:

17 Q. Mr. Sowalsky, I take it the show, the circus units travel
18 interstate; is that right?

19 A. Yes.

20 Q. Is there any process of documentation that the circus has
21 to get to go from one state to another?

22 A. Yes.

23 Q. And briefly how does that work?

24 A. Well, in some cases we need state permits to go from state
25 to state to perform in a particular jurisdiction, and we would

1 apply for that in connection with those applications for
2 permits. We would ordinarily have to provide some kind of
3 medical certification that the animals had received their shots,
4 they were in good health, they were not harboring any
5 communicable diseases, and that would be issued by our
6 veterinarian. Even in those cases where we don't need a
7 specific permit for the animals, usually the various states will
8 require that such a certificate from a veterinarian be
9 submitted.

10 Q. To your knowledge, has any Feld Entertainment Asian
11 elephant ever been denied entry into a state on account of
12 health reasons?

13 A. No.

14 Q. Let me refer you, sir, if I could, to Defendant's Exhibit
15 200. Do you recognize this document?

16 A. Yes.

17 Q. Is this a collective bargaining agreement between the
18 Teamsters Union and Feld Entertainment?

19 A. Yes.

20 Q. What is the applicable dates on this agreement?

21 A. This agreement was in effect from January 1st, 1996 to
22 December 31st, 1998.

23 Q. Were you involved in the negotiation of this contract?

24 A. Yes.

25 Q. Did you sign it on behalf of the company?

1 A. I did.

2 Q. Is that your signature on page fourteen?

3 A. Yes, it is.

4 Q. And you're familiar with the terms of this agreement?

5 A. Yeah.

6 Q. Let me also show you Defendant's Exhibit 201. Do you
7 recognize this as an agreement between the Teamsters and Feld
8 Entertainment?

9 A. Yes.

10 Q. For the period of January 1st, '99 to December 31st, 2001?

11 MS. SANERIB: Again, leading.

12 THE COURT: Let him testify.

13 BY MR. SIMPSON:

14 Q. What is this document?

15 A. This is collective bargaining agreement between Teamsters
16 Local 688 and Feld Entertainment, and it was in effect from
17 January 1st, 1999 to December 31st, 2001.

18 Q. Were you involved in the negotiation of this contract?

19 A. Yeah.

20 Q. Are you familiar with its provisions?

21 A. Yes.

22 Q. Did you sign it on behalf of the company?

23 A. Yes.

24 Q. Is that your signature?

25 A. Yes.

1 Q. Mr. Sowalsky, let me direct your attention to the provision
2 at Article Roman numeral XI, Discharge Or Suspension. Are you
3 familiar with this provision?

4 A. Yes.

5 Q. This is a provision common to both contracts?

6 A. It is.

7 Q. Would you describe for the Court the applicability of this
8 provision to an employee of Feld Entertainment?

9 A. It's a provision that's not uncommon in collective
10 bargaining agreements. It says that we will not discharge any
11 of the union members without just cause. That's basically what
12 it is, that we would give, if we feel there was cause, we would
13 give a warning in advance of any determination.

14 Q. And generally during the period 1997, let's say June 1997
15 through the end of 1999, what types of employees who worked for
16 Feld Entertainment would have been covered by this contract?

17 A. This contract covered what we call our technical employees,
18 people who read the circus, who are involved in lighting,
19 electrical; that sort of thing. It involves animal handlers,
20 people who work in the animal department, and others who we
21 regard as what we would call just laborers, people who help set
22 up the show but don't have any particular expertise; that sort
23 of thing.

24 Q. Would it have covered a barn man like Tom Rider?

25 A. Yes.

1 Q. This provision on termination, Article XI, are you aware of
2 any situation in which -- well, first of all, let me ask you
3 this: Would it be just cause under this provision for Feld
4 Entertainment to terminate an employee's employment for
5 complaining about animal abuse?

6 A. No.

7 Q. To your knowledge, has Feld Entertainment ever terminated
8 an employee for complaining about animal abuse?

9 A. No.

10 MR. SIMPSON: Your Honor, we offer Defendant's 200 and
11 201.

12 THE COURT: Any objection?

13 MS. SANERIB: No objection, your Honor. We do note
14 that these were some of the documents that were belatedly
15 disclosed by Feld Entertainment. They weren't disclosed during
16 discovery.

17 THE COURT: Admitted.

18 (Defendant Exhibit Nos. 200 and 201 were admitted into
19 evidence at about 5:06 p.m.)

20 MR. SIMPSON: I have no further questions at this
21 time.

22 THE COURT: Cross-examination?

23 CROSS-EXAMINATION

24 BY MS. SANERIB:

25 Q. Good evening, Mr. Sowalsky.

1 A. Hello.

2 Q. Mr. Sowalsky, it's true, isn't it, that the only person you
3 report to at Feld Entertainment is the CEO, Kenneth Feld, right?

4 A. I report to Kenneth Feld.

5 Q. And you've worked for Mr. Feld at Feld Entertainment for
6 approximately 36 years; is that correct?

7 A. I've worked at Feld Entertainment for 36 years. I wouldn't
8 say that I worked for Kenneth Feld for 36 years. He hasn't
9 always been the CEO.

10 Q. Who else have you worked for?

11 A. His father prior to him.

12 Q. And you're the only person outside the Feld family that
13 owns any Feld shares, isn't that correct?

14 A. That's currently true. There were other shareholders at
15 different points in time.

16 Q. If you left the company, you would have to give up your
17 stock, right?

18 A. There's a shareholders' agreement in effect that would
19 require me to sell the stock back to the company.

20 Q. Your primary responsibilities are in the legal area,
21 correct?

22 A. Yes.

23 Q. And primarily you're involved in corporate work, including
24 financing and acquisitions, right?

25 A. That's part of what I do.

1 Q. You're also involved in major management decisions, such as
2 decisions about new things with the business and major
3 investments, right?

4 A. Yes.

5 Q. And --

6 THE COURT: What do you estimate the value of your
7 stock to be in the company?

8 THE WITNESS: Well, we get an annual evaluation and
9 I'm not sure. It's in excess of a million dollars.

10 BY MS. SANERIB:

11 Q. And what's your salary?

12 A. My current salary is \$425,000 a year.

13 Q. In addition to a salary, you also receive annual bonuses,
14 correct?

15 A. I do.

16 Q. And you also receive benefits from the company?

17 A. That's correct.

18 Q. And you received information from Tom Rider at least a
19 couple times a month, don't you?

20 A. No.

21 Q. No? Let's go to your deposition transcript at page 22, and
22 start at line ten. There's a question: Over the course of a
23 month, about how many e-mail messages do you receive about Tom
24 Rider?

25 Answer: Very --

1 Mr. Simpson: Well, I object, first of all. It's an
2 answer that's based on communications with in-house counsel or
3 your outside lawyers. But beyond that, if you can -- if there's
4 anything that falls outside that, you can answer the question.

5 The Witness: I would have trouble estimating it. Not
6 many. It depends on Tom Rider's activity, I guess. If he's out
7 following the shows around as he was at one period of time,
8 making public statements, we would track, we would have someone
9 who tracks that kind of activity. And I would be part of a
10 group of people who would get that information. Recently, I
11 would say, very, very few. They're probably not more than maybe
12 a couple a month that would have that kind of information.

13 Did I read that correctly?

14 THE WITNESS: Yes.

15 BY MS. SANERIB:

16 Q. So you receive information about Tom Rider at least a few
17 times a month?

18 A. I did at one point in time. I don't receive -- it's been
19 quite a while since I've received even that many communications
20 about Tom Rider, except for papers that I see related to this
21 litigation.

22 Q. Now, Mr. Sowalsky, isn't it true that there's a number of
23 instances in which Feld Entertainment has conflicting records
24 regarding the date that certain elephants were born or acquired
25 by the company?

1 A. I can only think of one, but it's possible there could be
2 others.

3 Q. And are you thinking about the elephant Sabo?

4 A. No.

5 Q. What are you thinking about?

6 A. Nicole.

7 Q. Didn't you, during your deposition, acknowledge that Feld
8 Entertainment has conflicting records for the elephant Sabo as
9 well?

10 A. It's possible. I don't recall.

11 Q. And you also testified in your deposition that the
12 elephants are valuable property, right?

13 A. Yes.

14 Q. And that in your view there's probably documentation for
15 when Feld acquired them, isn't that correct?

16 A. Yes.

17 Q. But that's not true, is it? There's a lot of elephants
18 that don't have any documentation for when they were acquired?

19 A. Well, we don't have the original acquisition documents, but
20 we've been able to trace through, I think, when they were
21 acquired.

22 Q. I'd like to go to Defendant's Exhibit 6, if we can. And
23 I'd like to look at page 172 of that exhibit. If you can
24 highlight, there's a line there that has Mysore's name in the
25 first column, if you could highlight that. If you can read what

1 it says in the fourth column here for the elephant Mysore.

2 A. "Unknown per CITES 82, 31947873/9 per inventory. She was
3 acquired from Tony Deano in Canton, Ohio in 1985.

4 Q. If you look up at the top of the document, what are the
5 columns there that you were looking at?

6 A. Name, date of birth, gender, and origin.

7 Q. Now, if we look at this page, there's also a line that has
8 the elephant Zina's name. Can we also highlight that? And
9 again, can you read in the fourth column, the origin column,
10 what it says for the elephant Zina?

11 A. Unknown per CITES 823184, 78, 79/9. Acquired from Billy
12 Smart Circus in England, 1972. Still trying to locate that
13 file.

14 Q. Thank you. And can we also look -- I think the elephant
15 Karen also appears on this page. And again, can you read what
16 it says under that Origin column for Karen?

17 A. Unknown per CITES. He's 823184, animal inventory. It says
18 Thailand.

19 Q. Thank you.

20 And I believe you testified earlier today that Feld
21 Entertainment obtains permits from the Fish and Wildlife
22 Service; is that correct?

23 A. Yes.

24 Q. And in order to obtain those permits, Feld Entertainment
25 applies for the permits, correct?

1 A. Yes.

2 Q. And they fill out a permit application, isn't that right?

3 A. Yes.

4 Q. So Feld provides all of the information that's the basis
5 for the Fish and Wildlife Service permits that are part of
6 Defendant's Exhibit 3; is that correct?

7 A. Well, we provide the information that's requested. They
8 may acquire information from their own sources, I'm not sure,
9 but, yeah, we provide whatever is asked for.

10 Q. Okay. Do you personally submit those permit applications?

11 A. I have on some occasions. They would come from my
12 department.

13 Q. Do you review them before they get submitted to Fish and
14 Wildlife Service?

15 A. I would say in recent years probably not, but in prior
16 years I would have.

17 Q. And I'd like to look at one of those permits. If we could
18 go to page 22 of Defendant's Exhibit 3. And again, this is a
19 permit issued under CITES by the Office of Management Authority
20 of Fish and Wildlife Service, correct?

21 A. Yes.

22 Q. And it contains a list of the elephants' names, right, on
23 the left-hand corner there?

24 A. Yes.

25 Q. And Feld supplies that information to the Fish and Wildlife

1 Service, doesn't it?

2 A. Yes.

3 Q. And it also has a column which states the year of birth; is
4 that correct?

5 A. Yes.

6 Q. And again that information comes from Feld Entertainment,
7 right?

8 A. Yes.

9 Q. And there's also on the far right a column that has the
10 title Description; is that right?

11 A. Yes.

12 Q. And Feld Entertainment also provides those descriptions of
13 the elephants, doesn't it?

14 A. I believe that's correct.

15 Q. And those descriptions provide the defining characteristics
16 of the elephants, correct?

17 A. Well, if there's an unusual characteristic I think it says
18 it.

19 Q. So if they had a scar, that would be reflected there?

20 A. Yes.

21 Q. And there's a few of the permits that you're relying on
22 that aren't even signed by Fish and Wildlife Service, isn't that
23 correct?

24 A. I don't know what you're talking about there.

25 Q. Okay. Didn't you say that you've looked through all of --

1 A. Yeah.

2 Q. -- the permits.

3 Okay. You don't recall seeing that some of those
4 permits were unsigned, do you?

5 A. I don't recall that, no.

6 Q. But yet you still think all these permits are business
7 records of Feld Entertainment?

8 A. Yes.

9 Q. And you testified about CITES and what CITES is earlier
10 this afternoon; is that correct?

11 A. Yes.

12 Q. And it's true under CITES, isn't it, that an animal is not
13 considered to be captive-bred unless an entity can demonstrate
14 that both of its parents were also bred in captivity?

15 A. I'm not sure that's correct. I don't recall that.

16 Q. You couldn't say one way or the other?

17 A. That's right.

18 Q. And Mr. Sowalsky, are you familiar with the Asian elephant
19 studbook?

20 A. I've seen, you know, pages from it.

21 Q. And isn't it true that Feld Entertainment voluntarily
22 submits information to the studbook?

23 A. Yes. I think that's accurate.

24 Q. So the company has no obligation to submit that information
25 as far as you know?

1 A. There's no requirement to.

2 Q. And the studbook itself contains a warranty of
3 nonreliability, doesn't it?

4 A. I don't recall that.

5 Q. Well, you can look at Defendant's Exhibit 4 at page four,
6 and there's a paragraph in the middle there that says "the
7 information," if we could highlight that. Can you read, start
8 reading that paragraph for us?

9 A. The information contained in the studbook has been obtained
10 from numerous sources believed to be reliable. AZA and the
11 Oregon Zoo make a diligent effort to provide a complete and
12 accurate representation of the data and its reports,
13 publications, and services. However, AZA and the Oregon Zoo do
14 not guarantee the accuracy, adequacy, and completeness of the
15 information. AZA and the Oregon Zoo make no warranties or
16 representations of any kind, expressed or implied, including but
17 not limited to warranties, merchantability of fitness for a
18 particular purpose. AZA and the Oregon Zoo disclaim all
19 liability for errors or omissions that may exist, and shall not
20 be liable for any incidental, consequential or other damages,
21 whether resulting from negligence or otherwise, including,
22 without limitation, exemplary damages or lost profits arising
23 out of or in connection with the use of this publication.

24 Q. Thank you. I'd like to ask you about a few of Feld's
25 elephants. Do you know of an elephant named Mysore that's owned

1 by Feld Entertainment?

2 A. I know we have an elephant named Mysore.

3 Q. Do you know the date that Mysore was acquired by Feld
4 Entertainment?

5 A. It was just on the screen. I believe it was quite some
6 time ago, around 19 -- in the '50s or something. I'm not sure.
7 I'd have to look at the record.

8 Q. Okay. Could we look at Plaintiffs' Will Call Exhibit 1C
9 for Dolly? Does this letter help refresh your recollection of
10 when Feld Entertainment acquired Mysore?

11 A. Yes.

12 Q. It says 1986, right?

13 A. 1986, yes.

14 Q. And Feld Entertainment purchased her from another circus,
15 correct?

16 A. Yes.

17 Q. And isn't it true that Mysore was with another circus
18 before she went to the circus that sold her to Feld
19 Entertainment?

20 A. I don't know.

21 Q. You don't know that?

22 A. No.

23 Q. Do you know what year the elephant Mysore was born in?

24 A. This indicates that Mysore was born in 1946.

25 Q. Do you know if Feld Entertainment has any other record that

1 documents her birth?

2 A. Well, we have other documents that recite the 1946 day. I
3 don't know that we have anything that we acquired at the time of
4 acquisition other than this.

5 Q. Okay. And Mr. Sowalsky, we talked about at your deposition
6 that Feld Entertainment has acquired at least two elephants from
7 the Portland Zoo; is that correct?

8 A. Yes.

9 Q. And those elephants are PT and Sabo, right?

10 A. I believe that's accurate.

11 Q. And those elephants were acquired by the company after you
12 started working there, isn't that right?

13 A. I believe so.

14 Q. Nevertheless, you don't have a date for when those
15 elephants were acquired, right?

16 A. I'd have to review the record. I mean, there were a lot of
17 elephants there. I'd have to look at the list of options to see
18 whether we have a date for that.

19 Q. Mr. Sowalsky, you submitted declarations in this case in
20 support of defendant's motion for summary judgment; is that
21 correct?

22 A. Yes.

23 Q. Okay. I'd like to go to page four of your declaration that
24 was submitted as Exhibit 19 to defendant's motion for summary
25 judgment. And if you look at paragraph eight of this document,

1 can you read that for us?

2 A. I remember in the 1980s, FEI, which is Feld Entertainment,
3 acquired two elephants from the Oregon Zoo in Portland, Oregon,
4 formally known as the Washington Park Zoo where both of them
5 were born. One of the elephants was given the name Sabu, the
6 other was named Prince Tusk. I was personally involved in the
7 discussions relating to FEI's acquisition of these two
8 elephants.

9 Q. You don't know the date that those elephants were acquired
10 by Feld Entertainment?

11 A. I don't have an exact date for that.

12 Q. Now, part of Defendant's Exhibit 1, which is the chart you
13 testified about, contains information about the elephant Jewell;
14 is that correct?

15 A. Yes.

16 Q. And do you know what year Feld Entertainment acquired the
17 elephant Jewell?

18 A. In the 1950s sometime.

19 Q. If we could look at Defendant's Exhibit 1, at page two. It
20 says here that the acquisition date for Jewell was 1954; is that
21 right?

22 A. Yes.

23 Q. And there's not a single other piece of paper that back up
24 that acquisition date that Feld Entertainment has; is that
25 correct?

1 A. The only other thing that there would be would be the
2 censuses that go back and list Jewell, because at the time those
3 were started, we had a veterinarian staff, his name was Doc
4 Henderson, whose tenure started in the '50s, prior to the '50s
5 actually, and he would have had some recollection of
6 approximately when that elephant was acquired, and I believe he
7 was the one who developed the first censuses that we had of the
8 animals. That would be the only other thing.

9 Q. There's also listed here the affidavit of Tim Holst; is
10 that correct?

11 A. Yes.

12 Q. I'd like to go to that. That's from Defendant's Exhibit 3
13 at page 13. Does this appear to be Mr. Holst's affidavit?

14 A. Yes.

15 Q. Now, if you look at this affidavit, and I think it's
16 paragraph three in particular, Mr. Holst doesn't claim any
17 personal knowledge about the date that these elephants were
18 born, does he?

19 A. Well, he says that he knows about their being part of the
20 Blue Unit or as early as 1972. It says to the best of my
21 knowledge I've been with Ringling Brothers since the year, dates
22 stated below. So, you know...

23 Q. Again, he doesn't say that he has personal knowledge that
24 any of these elephants were born these dates?

25 A. No. He would have attained that knowledge through some

1 other source.

2 Q. And he also doesn't say that he has any personal knowledge
3 about when those elephants joined Ringling Brothers; is that
4 right?

5 A. Well --

6 Q. Except for the elephants that came in after 1972?

7 A. Right.

8 Q. And he wasn't present at the time that those elephants
9 joined Ringling Brothers except for the ones that came in after
10 1972, correct?

11 A. That's correct.

12 Q. And I'd like to go to page two of this exhibit, if we can,
13 and that's Donna Gautier's declaration. And if we can get a
14 look at paragraph two of her declaration. She also has no
15 personal knowledge of when these elephants were born; isn't that
16 right?

17 A. I'd have to see the entire affidavit. I think it would be
18 better.

19 Q. Okay. You're not familiar with these documents?

20 A. I am familiar with them, yes. I've seen them many times.
21 Well, here is basically the same as Mr. Holst, she's saying that
22 she knows they've been in service since at least 1972, to the
23 best of her knowledge they've been with Ringling Circus since
24 the dates indicated, so that's something to the best of our
25 knowledge. She too was with the circus for quite some time and

1 was there at a time when there were people associated with the
2 circus that probably -- that did go back as far as 1954, so she
3 might be talking about conversations or knowledge she obtained
4 from other people.

5 Q. But again, she doesn't say that these are the dates of
6 birth of these elephants based on her own personal knowledge,
7 does she?

8 A. Right.

9 Q. And she also doesn't say that the day they joined Ringling
10 Brothers is based on her own personal knowledge, does she?

11 A. That's correct.

12 Q. She also doesn't say she was at Ringling Brothers at the
13 time most of these elephants joined Ringling Brothers, correct?

14 A. That's correct.

15 Q. Now, Feld Entertainment has also purchased elephants from
16 Roman Cschrn, haven't they?

17 A. Yeah.

18 Q. And those elephants were purchased in 2003; is that
19 correct?

20 A. I believe that's correct.

21 Q. Now I'd like to go back to Defendant's Exhibit 1, which was
22 the charts again. And looking at this first page, do you see
23 the elephant Nicole is listed on this page, correct?

24 A. Yes.

25 Q. And if we can flip through this document to the page that

1 has Nicole listed. Now, this chart says that Nicole was born in
2 1975, doesn't it?

3 A. Yes.

4 Q. And you testified at your deposition that she was born in
5 1976, isn't that right?

6 A. Well, I mentioned this before: This is one of the
7 elephants in which we had a slight discrepancy in the year of
8 birth. We have some records that indicate 1975 and there are
9 other things that indicate 1976.

10 Q. But you previously submitted a declaration stating that
11 Nicole was born in 1976, isn't that right?

12 A. I believe I did, yes.

13 Q. And you told me at your deposition you had no reason to
14 doubt your earlier declaration saying that Nicole's date of
15 birth was 1976?

16 A. I think I did say that. However, after that deposition I
17 didn't go back and try to find some additional information to
18 show what the discrepancy might be, and there's still -- there
19 are records that do show '75 and some that show '76, and early
20 '76 is what I was able to determine that, I'm not sure why that
21 came about other than there was no specific date in 1975 that
22 was given on any of the records, so I think it was a
23 determination on someone's part to just list it as January 1,
24 1976. That would encompass all of 1975 as well.

25 Q. But you previously stated under oath on two different

1 occasions that this elephant was born in 1976, isn't that right?

2 A. I did, yes. And at the time I made those statements I
3 believed it to be accurate and they still may be accurate, but
4 if 1976 was the date of birth, what I've seen in the records
5 would indicate that it was in January of 1976.

6 Q. Well, isn't it a practice that the date of birth isn't
7 actually known, that for that year that the animal just gets
8 listed as January 1st whatever the year you know the animal was
9 born?

10 A. I don't know that to be a practice.

11 Q. You don't?

12 A. No.

13 Q. Now, Nicole was imported to the United States from west
14 Germany, isn't that correct?

15 A. Yes.

16 Q. And she was imported with six other elephants, isn't that
17 correct?

18 A. I believe that's correct, yes. I can't recall if it was
19 five or seven. It could have been five others.

20 Q. Okay. And we talked about the importation documents for
21 Nicole at your deposition. Didn't we?

22 A. Yes.

23 Q. And I showed you a veterinarian certificate that said all
24 those elephants imported from west Germany had star-shaped
25 brands on their hips, isn't that right?

1 A. Yes.

2 Q. And Nicole doesn't have one of those star-shaped brands on
3 her hip, does she?

4 A. No.

5 Q. Now, Ringling Brothers has also sold elephants during the
6 course of its tenure of operating Ringling Brothers Circus,
7 isn't that correct?

8 A. We have on very few occasions, yes.

9 Q. In 1982 Ringling Brothers sold elephants to Circus World,
10 right?

11 A. Yes.

12 Q. If we could go to Plaintiffs' Will Call Exhibit 86 at page
13 ten. And this is the letter documenting that sale, isn't that
14 right?

15 A. Well, it's one of the things that was -- yeah, one of the
16 documents that was prepared in connection with that sale.

17 Q. And this letter is addressed to you, isn't that right?

18 A. Yes.

19 MS. SANERIB: Your Honor, we move the admission of
20 this letter as Plaintiffs' Will Call 86A.

21 THE COURT: Any objection?

22 MR. SIMPSON: It's not their case, but, I mean, they
23 rested so I don't know, they're introducing evidence now. This
24 wasn't even talked about at cross. There's completeness --

25 THE COURT: From an evidentiary issue, what precludes

1 them from introducing this in your case in chief?

2 MR. SIMPSON: Because they rested.

3 THE COURT: So they're precluded from introducing any
4 evidence?

5 MR. SIMPSON: I think that's right.

6 MS. SANERIB: We introduced a document a few days ago,
7 your Honor.

8 MR. SIMPSON: For completeness that's a different
9 question, but just out of the blue for something this witness
10 wasn't shown on direct.

11 THE COURT: What's your proffer? Why should this be
12 allowed at this time?

13 MS. SANERIB: It's a party admission.

14 MR. SIMPSON: It's also irrelevant, your Honor. These
15 elephants weren't discussed in his direct and they're not at
16 issue in the lawsuit, at least most of them aren't, and none of
17 this was gone into it.

18 THE COURT: Assuming it is a party admission, it
19 probably is, why is it relevant?

20 MS. SANERIB: This is relevant, your Honor, again,
21 because it's a question of in terms of the Pre-Act animals there
22 is an exception. Those animals don't have that status if we can
23 show that in their histories they were used in commercial
24 activity, so these documents indicate that there were a lot of
25 elephants that were bought and sold by Feld Entertainment and we

1 think it's very relevant to those animals' status under the
2 Endangered Species Act, the fact that they were used in those
3 commercial activities.

4 THE COURT: They're not the subject of this lawsuit,
5 are they?

6 MS. SANERIB: They're not at this juncture, but we'd
7 like to preserve these issues for appeal.

8 THE COURT: Well, I think the issue has been reserved
9 anyway by virtue of the summary judgment ruling, isn't it?

10 MS. SANERIB: Yes, but I think additional
11 documentation should come into the case.

12 THE COURT: Was this Court informed of that at the
13 summary judgment stage, though?

14 MS. SANERIB: About the commercial activity?

15 THE COURT: Yes.

16 MS. SANERIB: I do believe that that was part of
17 plaintiffs' opposition to defendant's motion for summary
18 judgment.

19 THE COURT: All right. If you can give me some
20 authority on this. I'm not so sure this is relevant at all.
21 Let's move on. If you want to produce some authority. I don't
22 need five pages, but any authority that might persuade me it
23 should become a part of the evidentiary record, I'll consider
24 it. For the time being I'm not going to allow it.

25 MS. SANERIB: Okay. This is the witness who's been

1 represented as having the knowledge about how these animals were
2 acquired.

3 THE COURT: These animals aren't the subject of this
4 lawsuit, though. I understand that. Let's move on.

5 MS. SANERIB: All right.

6 BY MS. SANERIB:

7 Q. Now, Mr. Sowalsky, you testified earlier today that you
8 received notification from the units of the circus about USDA
9 matters, isn't that right?

10 A. Well, somebody in my office does. It's either me or Julie
11 Strauss.

12 Q. Is that done by e-mails?

13 A. There could be an e-mail, but ordinarily they're telephonic
14 communication.

15 Q. And you testified today about the death of an elephant
16 named Benjamin, isn't that right?

17 A. Yes.

18 Q. And were you aware that an investigation was conducted by
19 the USDA into the death of that elephant?

20 A. Yes.

21 Q. And did you know that the investigator found that Feld
22 Entertainment's employee's use of the bullhook, quote, created
23 behavioral stress and trauma which precipitated in the physical
24 harm and ultimate death", end quote, of the elephant?

25 A. That was in the investigation report. However, it was

1 found not to be accurate.

2 Q. Found by whom?

3 A. Fish and Wildlife Service.

4 Q. Now, you also testified regarding the elephant Kenny this
5 morning, correct?

6 A. Yes.

7 Q. And isn't it true that the vet's recommendations regarding
8 that elephant were not followed by the circus?

9 A. I think that there were decisions made by the people on the
10 scene who were in charge of handling that elephant that may not
11 have followed the advice of the vet precisely.

12 Q. I'd like to look at Plaintiffs' Will Call Exhibit 31,
13 please. This is some records from the U.S. Department of
14 Agriculture, and if we could look at number two under Death of
15 Kenny, the elephant. Can you just read that first sentence for
16 us?

17 A. Well, let me figure out what this is first. I can't see
18 what it is. What am I reading from?

19 Q. It's an e-mail from Ron DeHaven. You testified that you've
20 met Ron DeHaven, this morning or earlier this afternoon,
21 correct?

22 A. Yes, I did.

23 Okay. The case shows that orders from the attending
24 veterinarian to leave Kenny in a stall during the third
25 performance on the day he died were not followed by the trainers

1 Mark Oliver Gebel and Gunther Gebel-Williams. However, the
2 veterinarian back-pedals on his initial statement and later
3 sworn statements suggesting that he would have deferred to the
4 trainer's judgment. I realize we feel there is a prosecutable
5 violation and recommend filing a complaint. It is likely that
6 Ringling Brothers would want to settle by consent agreement. Of
7 course, I will let you know of any such offers before we agree
8 to a settlement.

9 Q. Thank you. And just for the record, this is one of the
10 documents that plaintiffs are going to offer for their
11 completeness objections to the letter that defendant is trying
12 to admit regarding the elephant Kenny.

13 THE COURT: All right.

14 BY MS. SANERIB:

15 Q. I'd also like to show you Plaintiffs' May Call Exhibit 53,
16 which also pertains to the elephant Kenny. If you look at the
17 top of this document, it's from Ellen Weidner. She's one of the
18 vets at Ringling Brothers, correct?

19 A. Yes.

20 Q. And it's to William Lindsay, and he's also a vet at
21 Ringling Brothers, isn't that right?

22 A. Yes.

23 Q. And Ellen Weider writes to William Lindsay: Sounds like
24 Ringling has a fairly regular history of hanging its vets out to
25 dry. That's the first sentence of that message, isn't it?

1 A. That's what it says.

2 Q. I'd like you to go down to William Lindsay's e-mail and I'd
3 like you to read this paragraph for me.

4 A. Which one?

5 MR. SIMPSON: Your Honor, this is not proper
6 foundation. She's not established this witness has even ever
7 seen this, so we're broadcasting it to the finder of fact with
8 no foundation.

9 THE COURT: Counsel?

10 MS. SANERIB: Again, your Honor, we believe these are
11 party admissions. It's written by Feld Entertainment's own
12 veterinarians, and I think it comes in as a party admission.
13 And this witness testified today about the death of Kenny, and
14 we think there's a very different story about the death of that
15 animal that needs to be told and these records tell that story.

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

17 BY MS. SANERIB:

18 Q. Can you please read this paragraph for is?

19 A. Many years ago, probably 1997, there was a young DVM, Gary
20 West, between Dick Houck and myself. There was a young ele,
21 three or four years old on the Red with Gunther. He was named
22 Kenny after Mr. Feld. The ele got sick in Miami, I think. Gary
23 W. okayed him to stand in the ring to watch the performance
24 rather than get anxious in the tent all by himself. He died on
25 the train that night en route to Jacksonville. Gary lived in

1 Orlando so he drove to Jacks and did post in the train car.
2 Nothing on PN, just enteritis O. The clinical signs were sudden
3 onset of anorexia and then several hours of disentary (ph), then
4 death. All cultures normal. No herpes C. Perfringens was put
5 out as the cause of death.

6 Q. Thank you. And if we can look back at this document,
7 you'll see the paragraph down here that says we also agreed, and
8 I just wanted to read to you from this. It says -- actually,
9 sorry. I wanted to go to the paragraph above that.

10 The vet goes on to say, Then comes the USDA
11 investigation. The first one ever I think. There was the usual
12 corporate casting to blame in many directions, but Gary W. lost.
13 No one really stood behind him. He eventually quit. We lost
14 the investigation. Oops. I mean we settled with the USDA, so I
15 think legal did not do a good job. The terms of the settlement
16 were that we gave them about \$10,000 to an elephant orphanage in
17 Asia. This may not have been the best place or best way to help
18 the Asian elephant, but it looked good.

19 Did I read that correctly?

20 A. Yes.

21 Q. Mr. Sowalsky, you also testified regarding the separation
22 of the elephants Doc and Angelica from their mothers today,
23 didn't you?

24 A. Yes.

25 Q. And you talked about the fact that USDA consulted with

1 several experts regarding that separation of those elephants
2 from their mothers, isn't that right?

3 A. Yes.

4 Q. And I'd like to show you Plaintiffs' Will Call 43. And
5 looking at that first paragraph of this document, and this is
6 again a letter from the USDA to Julie Strauss, it says in
7 starting the middle of this paragraph, "After careful
8 consideration of the issue," can you read that for me?

9 A. After careful consideration of the issue, we find that the
10 handling of these two elephants was not in compliance with the
11 Animal Welfare Act regulations, specifically Section 2.131(a)(1)
12 a one, Handling of Animals, Title IX, Code of Federal
13 Regulations. We believe there is sufficient evidence to confirm
14 the handling of these animals caused unnecessary trauma,
15 behavioral stress, physical harm, and discomfort to these two
16 animals.

17 Q. Thank you. And I'd also like to look at the next paragraph
18 in this letter. And if you can just read that first sentence.

19 A. It was the opinion of several of the expert reviewers that
20 there are other methods available to separate juvenile elephants
21 from their mothers that would be less stressful and not cause
22 lesions such as those observed on Doc and Angelica.

23 Q. Thank you. So that's contrary to your recollection of
24 this, isn't that right?

25 A. Well, I think the majority of the experts did not arrive at

1 that conclusion. They were -- I thought there was only one but
2 there may have been another.

3 Q. The USDA said that there were several, correct?

4 A. Excuse me?

5 Q. The USDA said that there were several experts that said
6 there was a more humane way to separate elephants from their
7 mothers, right?

8 A. That's what they said, but our information was that there
9 were only one or two.

10 Q. Now, Mr. Sowalsky, Judge Sullivan asked you if you ever
11 received complaints from the public, on your direct, isn't that
12 right?

13 A. Yes.

14 Q. And Feld Entertainment does, don't they?

15 A. I think the question was whether the public ever complained
16 to the USDA about our care and treatment of animals.

17 Q. Feld receives regular complaints from the public, though,
18 on its website, doesn't it?

19 A. We receive some, yes. I would say that they're not a huge
20 number, but we've received some.

21 Q. You receive hundreds, don't you?

22 A. Well, when there's a campaign by one of the animal rights
23 groups we might receive hundreds because somebody's identified
24 something and most of the people who are writing those letters
25 we think don't have any personal knowledge of what took place.

1 Q. I'd like to show you Plaintiffs' May Call Exhibit 22. This
2 is an example of one of those complaints, isn't it? This is an
3 example of one of those complaints, isn't it? This is a
4 response to the complaint, and Feld spends a lot of time and
5 energy issuing these responses to complaints you receive
6 regarding animal care on your website, isn't that right?

7 A. Well, we respond to these, but I don't know that it's an
8 inordinate amount of time. I think lots of companies get
9 complaints about things that they do or products they sell and
10 they respond accordingly.

11 Q. Just one second.

12 (There was a pause in the proceedings.)

13 MS. SANERIB: I have no further questions, your Honor.

14 THE COURT: All right. Redirect?

15 REDIRECT EXAMINATION

16 BY MR. SIMPSON:

17 Q. Mr. Sowalsky, in your opinion, did the Feld Entertainment
18 legal department do a good job with the Kenny case?

19 A. We certainly did, yes.

20 Q. And with respect to the Doc and Angelica matter, did the
21 Department of Agriculture find the company in violation of the
22 law?

23 A. No.

24 MR. SIMPSON: No further questions.

25 THE COURT: Any other questions?

1 MS. SANERIB: Nothing further, your Honor.

2 THE COURT: Mr. Sowalsky, thank you. You may step
3 down.

4 THE WITNESS: Thank you.

5 THE COURT: I have to ask you not to discuss your
6 testimony with anyone. Have a nice evening.

7 THE WITNESS: Thank you.

8 MR. SIMPSON: May he be excused, your Honor?

9 THE COURT: Yes, he may be excused, sure.

10 Who's your next witness? We're not going to get to
11 him or her today, but who's your next witness?

12 MR. SIMPSON: Brian French.

13 THE COURT: Unless his testimony is only two, three
14 minutes or so, I don't know, is it?

15 MR. SIMPSON: We'd be happy to start, he's here, but
16 it's up to your Honor.

17 THE COURT: How long do you anticipate your direct to
18 be? We can go to six o'clock maybe.

19 MR. SIMPSON: I would say maybe an hour-and-a-half at
20 the most.

21 THE COURT: Let's just go to six. Why don't we just
22 start. We'll stop at six o'clock. We'll start at 9:30 tomorrow
23 morning. I want to get through this.

24 You know, it's been a long day, counsel. I'm going to
25 vacate what I said. Let's just start at 9:30 tomorrow. We're

1 not going to accomplish anything in ten minutes. Everyone have
2 a wonderful evening. We'll work on the weather for tomorrow.
3 It's awfully warm in here.

4 MS. SANERIB: Can we get the list of people, the order
5 for tomorrow?

6 THE COURT: I'm sorry. Yes.

7 What's up for tomorrow?

8 MR. SIMPSON: We would start with Mr. French.

9 THE COURT: All right.

10 MR. SIMPSON: Angela Martin by deposition, and maybe I
11 can discuss that with them. That's foundation for a video we'd
12 like you to see.

13 THE COURT: All right.

14 MR. SIMPSON: Then Mike Keele, Troy Metzler. We will
15 probably at that point end up with several depositions, not to
16 be read, but just for the Court, and their counter-designations
17 of Mr. Pettegrew, Mr. Vargus, Mr. Houck, and Mr. Ridley. And if
18 we still have time, we would start with Dr. Schmitt, and that's
19 our last witness.

20 THE COURT: All right. We'll start at 9:30 tomorrow,
21 and as I indicated, 9:30 on Friday as well to 12:30.

22 Yes?

23 MS. MEYER: Your Honor, could we have Mr. Rider
24 released, please, since he's not going to be a witness?

25 MR. SIMPSON: That's fine.

1 THE COURT: Fine. All right.

2 MS. MEYER: Thank you.

3 THE COURT: All right. Have a wonderful evening
4 everyone.

5 COURTROOM DEPUTY: You too.

6 THE COURT: Thank you very much for helping out today.

7 COURTROOM DEPUTY: You're welcome.

8 (Proceedings adjourned at about 5:47 p.m.)

9 - - -

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

WITNESSES:

JEROME SOWALSKY

Direct Examination by Mr. Simpson	35
Cross-examination by Ms. Sanerib	82
Redirect Examination by Mr. Simpson	110

E X H I B I T S

Defendant
Exhibit

No.	Identification	Marked	Admitted
71A			58
86A			59
73 & 74			63
81			66
PXMC 33			68
193A			72
1 & 3			78
200 & 201			82

1 CERTIFICATE

2 I, JACQUELINE M. SULLIVAN, Official Court Reporter,
3 certify that the foregoing pages are a correct transcript from
4 the record of proceedings in the above-entitled matter.

5 _____
6 JACQUELINE M. SULLIVAN
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

\$	1996 ^[1] - 79:21 1997 ^[4] - 49:4, 81:14, 106:19 1998 ^[1] - 79:22 1999 ^[9] - 6:6, 10:14, 16:20, 25:25, 44:5, 44:23, 49:5, 80:17, 81:15 1C ^[1] - 92:8 1st ^[5] - 44:23, 79:21, 80:10, 80:17, 99:8	77:18, 77:25, 78:12, 78:14, 88:6, 88:18, 95:12, 114:18 302005AC ^[1] - 48:11 31 ^[1] - 104:12 31947873/9 ^[1] - 87:2 31st ^[5] - 49:17, 51:9, 79:22, 80:10, 80:17 33 ^[4] - 66:12, 67:2, 68:25, 114:16 333 ^[1] - 2:3 35 ^[2] - 69:25, 114:5 36 ^[3] - 83:6, 83:7, 83:8 39 ^[3] - 59:1, 59:9, 59:12 3:17 ^[1] - 29:22 3:35 ^[1] - 29:25 3rd ^[2] - 32:3, 57:25	7	absolutely ^[2] - 16:21, 25:17 Absolutely ^[1] - 13:15 abstract ^[1] - 5:12 abuse ^[5] - 47:13, 48:21, 49:4, 82:5, 82:8 abused ^[1] - 44:12 abusive ^[1] - 54:23 accepted ^[2] - 7:21, 32:4 access ^[1] - 66:23 accompanied ^[1] - 62:2 accomplish ^[3] - 20:4, 28:4, 112:1 accordance ^[1] - 72:9 accordingly ^[1] - 110:10 account ^[1] - 79:11 accuracy ^[1] - 91:14 accurate ^[7] - 77:22, 90:23, 91:12, 93:10, 99:3, 104:1 accurately ^[2] - 52:8, 52:9 accused ^[1] - 48:21 acknowledge ^[2] - 60:9, 86:7 acknowledging ^[1] - 62:4 acquire ^[2] - 5:2, 88:8 Acquired ^[1] - 87:11 acquired ^[17] - 15:14, 85:24, 86:15, 86:18, 86:21, 87:3, 92:3, 92:10, 93:3, 93:6, 93:11, 93:15, 94:3, 94:9, 94:16, 95:6, 103:2 acquisition ^[7] - 3:11, 75:10, 86:19, 93:4, 94:7, 94:20, 94:24 acquisitions ^[1] - 83:24 Act ^[28] - 7:22, 10:17, 12:17, 15:3, 15:4, 15:9, 15:11, 15:16, 23:20, 26:7, 26:22, 27:15, 37:9, 69:4, 69:7, 70:12, 72:11, 72:21, 73:17, 74:10, 75:15, 75:16, 75:18, 76:10, 101:21, 102:2, 108:11 action ^[10] - 6:7, 7:6, 10:8, 13:10, 23:2, 23:7, 23:14, 44:22, 64:9, 67:11 actions ^[2] - 7:13,
\$10,000 ^[1] - 107:16 \$425,000 ^[1] - 84:12			700 ^[1] - 1:17 71 ^[15] - 5:16, 11:15, 13:5, 13:7, 13:23, 14:5, 16:3, 16:18, 35:5, 42:19, 45:4, 45:24, 47:4, 48:1, 56:12 71A ^[3] - 58:15, 58:22, 114:12 72 ^[1] - 114:17 72-hour ^[1] - 12:1 73 ^[4] - 61:11, 62:14, 63:4, 114:14 74 ^[3] - 62:24, 63:4, 114:14 78 ^[2] - 87:11, 114:18 79/9 ^[1] - 87:11	
'	2	4	8	
'50s ^[3] - 92:6, 95:4 '75 ^[1] - 98:19 '76 ^[2] - 98:19, 98:20 '99 ^[1] - 80:10 'made' ^[1] - 31:18	2.131(a)(1) ^[1] - 108:11 200 ^[4] - 79:15, 82:10, 82:18, 114:19 2000 ^[2] - 51:9, 54:13 20001 ^[1] - 2:4 20004 ^[1] - 1:22 20009 ^[1] - 1:17 2001 ^[8] - 10:15, 48:12, 49:18, 54:11, 55:1, 59:1, 80:10, 80:17 2002 ^[3] - 48:3, 57:25, 58:4 2003 ^[1] - 97:18 2005 ^[1] - 66:14 2006 ^[3] - 57:4, 57:5, 57:19 2007 ^[1] - 57:2 2008 ^[2] - 15:5, 56:12 2009 ^[2] - 1:6, 49:4 201 ^[4] - 80:6, 82:11, 82:18, 114:19 202-354-3187 ^[1] - 2:4 202-364-4092 ^[1] - 1:18 202-662-4504 ^[1] - 1:23 2190739536 ^[1] - 65:5 21st ^[1] - 47:7 22 ^[3] - 84:21, 88:18, 110:1 2262 ^[1] - 65:5 25th ^[1] - 48:12 27th ^[2] - 16:20, 25:25 28 ^[1] - 67:22 299A ^[1] - 13:25 2:47 ^[1] - 1:7 2d ^[3] - 31:23, 32:8, 32:17 2nd ^[1] - 48:3	4 ^[1] - 91:5 40 ^[1] - 59:12 43 ^[2] - 32:8, 108:4 4:15 ^[1] - 58:23 4:17 ^[1] - 59:15 4:21 ^[1] - 63:5 4:24 ^[1] - 66:10 4:27 ^[2] - 69:1, 69:18 4:49 ^[1] - 69:21 4:55 ^[1] - 73:24 4th ^[1] - 56:12	80 ^[3] - 64:13, 64:21, 64:25 801 ^[1] - 1:22 81 ^[4] - 65:11, 65:22, 66:9, 114:15 82 ^[3] - 87:2, 114:5, 114:19 823184 ^[2] - 87:11, 87:17 86 ^[3] - 58:25, 59:12, 100:12 86A ^[4] - 59:11, 59:14, 100:20, 114:13 8th ^[2] - 48:2	
0		5	9	
03-2006 ^[1] - 1:4		5 ^[3] - 32:3, 47:17, 69:9 53 ^[1] - 105:15 551 ^[1] - 32:17 58 ^[1] - 114:12 59 ^[1] - 114:13 5:01 ^[1] - 78:15 5:06 ^[1] - 82:19 5:47 ^[1] - 113:8 5th ^[2] - 54:11, 66:14	902.11 ^[2] - 31:15, 32:4 919 ^[1] - 31:23 981 ^[1] - 31:23 99028AW ^[1] - 46:17 9:30 ^[6] - 69:16, 69:17, 111:22, 111:25, 112:20, 112:21 9th ^[1] - 59:1	
1		6	A	
1 ^[10] - 74:2, 77:16, 77:25, 78:11, 78:14, 94:12, 94:19, 97:21, 98:23, 114:18 107 ^[1] - 45:12 11 ^[1] - 1:6 110 ^[1] - 114:6 1197 ^[1] - 32:17 12:30 ^[1] - 112:21 13 ^[1] - 95:13 1328 ^[1] - 32:3 136 ^[1] - 49:4 14099 ^[1] - 45:12 14th ^[1] - 55:1 15 ^[1] - 3:15 1601 ^[1] - 1:16 172 ^[1] - 86:23 19 ^[2] - 92:6, 93:24 193 ^[2] - 71:14 193A ^[4] - 73:4, 73:19, 73:23, 114:17 1946 ^[2] - 92:24, 93:2 1950s ^[1] - 94:18 1954 ^[2] - 94:20, 97:2 1972 ^[5] - 87:12, 95:20, 96:6, 96:10, 96:22 1973 ^[1] - 75:18 1975 ^[4] - 98:2, 98:8, 98:21, 98:24 1976 ^[8] - 98:5, 98:9, 98:11, 98:15, 98:24, 99:1, 99:4, 99:5 1980s ^[1] - 94:2 1982 ^[1] - 100:9 1985 ^[1] - 87:3 1986 ^[2] - 92:12, 92:13	3	6 ^[1] - 86:22 63 ^[1] - 114:14 66 ^[1] - 114:15 665 ^[1] - 32:8 68 ^[1] - 114:16 6820 ^[1] - 2:3 688 ^[1] - 80:16	able ^[6] - 7:11, 22:11, 47:21, 67:7, 86:20, 98:20 above-entitled ^[1] - 115:4	

<p>9:22</p> <p>activist [2] - 20:20, 57:8</p> <p>activities [3] - 70:9, 70:23, 102:3</p> <p>activity [5] - 70:13, 85:6, 85:9, 101:24, 102:14</p> <p>Adam [1] - 66:13</p> <p>add [1] - 47:22</p> <p>added [2] - 32:12, 75:20</p> <p>addition [2] - 16:15, 84:13</p> <p>additional [6] - 45:17, 51:5, 58:19, 58:21, 98:17, 102:10</p> <p>additionally [1] - 26:4</p> <p>address [4] - 14:16, 31:5, 34:9, 64:10</p> <p>addressed [1] - 100:17</p> <p>addressee [1] - 43:19</p> <p>ADEFEHINTI [1] - 30:3</p> <p>Adefehinti [5] - 4:8, 4:25, 22:12, 29:5, 30:3</p> <p>adequacy [1] - 91:14</p> <p>adequate [2] - 31:15, 32:1</p> <p>adjourned [1] - 113:8</p> <p>administratively [3] - 6:7, 23:2, 44:21</p> <p>administrator [5] - 6:2, 43:2, 43:10, 43:11, 48:8</p> <p>admissibility [5] - 3:25, 4:14, 7:8, 31:14, 34:12</p> <p>admissible [2] - 31:19, 32:9</p> <p>admission [5] - 45:4, 100:19, 101:13, 101:18, 106:12</p> <p>admissions [1] - 106:11</p> <p>admit [1] - 105:12</p> <p>Admitted [8] - 59:21, 62:22, 63:3, 66:5, 73:22, 78:13, 82:17, 114:11</p> <p>admitted [10] - 50:17, 58:22, 59:13, 59:14, 66:8, 66:9, 68:25, 73:23, 78:14, 82:18</p> <p>admitting [1] - 32:1</p> <p>adopted [3] - 32:19, 70:11, 72:10</p> <p>advance [1] - 81:13</p> <p>advice [1] - 104:11</p>	<p>advised [1] - 38:10</p> <p>advocacy [1] - 67:9</p> <p>affected [1] - 53:25</p> <p>affidavit [7] - 76:7, 76:8, 77:11, 95:9, 95:13, 95:15, 96:17</p> <p>affidavits [3] - 8:13, 15:18, 76:12</p> <p>affiliate [1] - 36:7</p> <p>AFIS [2] - 6:3, 41:8</p> <p>afternoon [3] - 35:21, 90:10, 104:20</p> <p>AFTERNOON [1] - 1:11</p> <p>agencies [1] - 63:7</p> <p>agency [12] - 6:13, 9:11, 13:14, 20:23, 21:6, 21:15, 21:16, 22:3, 22:7, 23:20, 23:22, 24:3</p> <p>agent [2] - 62:2, 76:23</p> <p>ago [4] - 78:4, 92:6, 101:6, 106:19</p> <p>agree [8] - 9:5, 12:24, 16:23, 19:6, 28:4, 62:19, 62:20, 105:7</p> <p>agreed [1] - 107:7</p> <p>agreement [8] - 79:17, 79:20, 79:21, 80:4, 80:7, 80:15, 83:18, 105:6</p> <p>agreements [1] - 81:10</p> <p>agrees [1] - 7:19</p> <p>Agriculture [5] - 37:8, 38:13, 46:4, 104:14, 110:21</p> <p>ahead [4] - 5:21, 24:12, 28:22, 35:20</p> <p>aided [1] - 2:7</p> <p>ailment [1] - 50:7</p> <p>Albert [2] - 56:13</p> <p>allegation [2] - 57:18, 58:6</p> <p>allegations [2] - 49:9, 49:15</p> <p>alleged [5] - 17:3, 27:2, 46:12, 54:12, 58:8</p> <p>alleging [1] - 6:12</p> <p>allow [15] - 5:18, 6:20, 7:2, 14:9, 14:12, 28:5, 33:2, 33:23, 34:8, 34:15, 67:19, 68:5, 68:22, 102:24, 106:16</p> <p>allowance [1] - 61:9</p> <p>allowed [2] - 68:20, 101:12</p> <p>alpha [1] - 71:14</p>	<p>alternative [1] - 28:15</p> <p>America [1] - 76:4</p> <p>AMERICAN [1] - 1:3</p> <p>American [1] - 76:1</p> <p>amount [1] - 110:8</p> <p>Angela [1] - 112:10</p> <p>Angelica [4] - 56:10, 107:22, 108:22, 110:20</p> <p>Animal [15] - 7:22, 10:17, 12:17, 15:9, 23:20, 26:7, 27:15, 37:9, 43:2, 43:10, 46:3, 72:11, 72:20, 73:17, 108:11</p> <p>animal [24] - 6:3, 27:1, 38:23, 48:8, 48:14, 48:21, 54:17, 54:22, 57:8, 57:14, 58:6, 63:24, 72:24, 81:19, 81:20, 82:5, 82:8, 87:17, 90:12, 99:7, 99:8, 106:15, 109:22, 110:6</p> <p>ANIMALS [1] - 1:4</p> <p>animals [35] - 8:3, 15:2, 15:3, 15:4, 15:14, 15:16, 15:21, 37:10, 37:18, 41:2, 64:18, 66:21, 66:22, 66:23, 70:16, 71:22, 72:23, 72:24, 72:25, 73:11, 73:12, 75:20, 76:15, 79:3, 79:7, 95:8, 101:21, 101:22, 103:1, 103:3, 108:14, 108:16, 109:16</p> <p>Animals [1] - 108:12</p> <p>animals' [1] - 102:1</p> <p>ankus [4] - 44:12, 44:15, 48:16, 54:22</p> <p>annual [2] - 84:8, 84:13</p> <p>anorexia [1] - 107:3</p> <p>answer [5] - 3:13, 3:14, 85:2, 85:4</p> <p>Answer [1] - 84:25</p> <p>anticipate [1] - 111:17</p> <p>anticipated [1] - 15:19</p> <p>anxious [1] - 106:24</p> <p>anyway [3] - 34:5, 45:19, 102:9</p> <p>Anyway [1] - 25:5</p> <p>apart [1] - 76:5</p> <p>appeal [2] - 19:22, 102:7</p> <p>appear [2] - 18:12, 95:13</p> <p>APPEARANCES [1] -</p>	<p>1:13</p> <p>appellant's [1] - 31:8</p> <p>applicability [1] - 81:7</p> <p>applicable [2] - 9:23, 79:20</p> <p>application [2] - 16:22, 88:2</p> <p>applications [2] - 79:1, 88:10</p> <p>applies [4] - 7:19, 65:3, 73:6, 87:25</p> <p>apply [4] - 70:8, 72:14, 73:4, 79:1</p> <p>apprised [2] - 38:6, 38:12</p> <p>appropriate [4] - 34:22, 34:23, 56:1, 56:4</p> <p>April [1] - 54:11</p> <p>area [5] - 36:16, 38:6, 54:13, 54:21, 83:20</p> <p>arena [1] - 64:19</p> <p>argue [3] - 14:11, 19:22, 78:4</p> <p>argued [1] - 74:25</p> <p>argument [20] - 4:6, 8:23, 15:8, 16:14, 17:3, 25:17, 30:4, 30:15, 32:21, 33:14, 33:17, 34:1, 34:5, 45:16, 45:18, 45:20, 66:2, 66:3, 68:15, 69:12</p> <p>arguments [3] - 16:1, 16:6, 25:15</p> <p>arise [2] - 36:15, 37:20</p> <p>arising [1] - 91:22</p> <p>arose [3] - 38:11, 39:20, 57:4</p> <p>arrange [2] - 38:24, 40:25</p> <p>arrive [2] - 41:22, 108:25</p> <p>arrived [1] - 75:14</p> <p>Article [2] - 81:2, 82:1</p> <p>articulate [1] - 18:23</p> <p>articulated [2] - 58:18, 66:7</p> <p>arythmia [1] - 52:23</p> <p>Asia [1] - 107:17</p> <p>Asian [16] - 36:18, 36:20, 48:15, 52:4, 70:24, 71:3, 72:15, 73:5, 75:19, 75:25, 76:17, 78:6, 79:10, 90:18, 107:18</p> <p>assert [1] - 31:9</p> <p>asserts [1] - 15:14</p> <p>assignment [1] - 62:3</p> <p>associated [1] - 97:1</p>	<p>assume [5] - 3:8, 8:4, 8:6, 62:15, 66:2</p> <p>Assuming [2] - 30:20, 101:18</p> <p>assuming [1] - 7:18</p> <p>assumption [1] - 15:11</p> <p>assurance [1] - 70:10</p> <p>athletes [1] - 52:23</p> <p>attach [1] - 24:21</p> <p>attained [1] - 95:25</p> <p>attend [1] - 39:5</p> <p>attending [1] - 104:23</p> <p>attention [9] - 3:14, 8:13, 15:10, 37:22, 37:23, 42:18, 69:24, 71:13, 81:1</p> <p>attorney [2] - 49:20, 51:23</p> <p>August [4] - 47:7, 48:12, 51:9, 59:1</p> <p>authentic [1] - 9:15</p> <p>authenticate [1] - 28:20</p> <p>authentication [1] - 65:4</p> <p>authenticity [1] - 30:8</p> <p>authorities [3] - 45:21, 50:24, 51:5</p> <p>authority [14] - 32:16, 37:9, 41:24, 45:18, 63:13, 64:17, 66:20, 66:21, 67:11, 68:23, 76:24, 102:20, 102:21, 102:22</p> <p>Authority [1] - 88:19</p> <p>authorized [1] - 72:4</p> <p>authors [1] - 4:19</p> <p>automobile [1] - 32:6</p> <p>available [2] - 20:15, 108:20</p> <p>Avenue [3] - 1:16, 1:22, 2:3</p> <p>AWA [4] - 12:15, 23:25, 24:2, 27:23</p> <p>aware [4] - 44:22, 49:13, 82:1, 103:18</p> <p>awfully [1] - 112:3</p> <p>AZA [4] - 91:10, 91:13, 91:15, 91:18</p>
B				
<p>back-pedals [1] - 105:2</p> <p>backwards [1] - 28:18</p> <p>Bailey [2] - 6:6, 48:14</p> <p>bank [7] - 4:4, 30:7, 30:9, 30:10, 31:4,</p>				

<p>32:14 bank's [2] - 31:4, 32:13 bargaining [3] - 79:17, 80:15, 81:10 barn [1] - 81:24 Barnum [2] - 6:5, 48:14 Barnum-Bailey [1] - 48:14 Based [1] - 58:14 based [8] - 3:19, 19:17, 23:25, 32:23, 78:12, 85:2, 97:6, 97:10 basic [1] - 15:17 basis [12] - 3:24, 4:14, 9:12, 10:1, 12:21, 14:11, 30:23, 38:4, 38:9, 65:7, 88:4 bathe [1] - 52:19 Bay [1] - 54:13 beat [1] - 13:21 beating [1] - 27:20 beatings [1] - 49:6 became [4] - 15:24, 43:11, 75:18 become [4] - 10:1, 22:5, 34:16, 102:23 becomes [1] - 34:4 BEFORE [1] - 1:11 behalf [2] - 79:25, 80:22 behavioral [2] - 103:23, 108:15 behind [3] - 54:18, 54:19, 107:13 belatedly [1] - 82:14 below [1] - 95:22 BENCH [1] - 1:11 bench [1] - 24:7 benefits [1] - 84:16 Benjamin [11] - 8:15, 8:17, 46:19, 46:20, 47:15, 51:19, 52:4, 52:13, 52:14, 52:17, 103:16 bent [1] - 28:18 best [9] - 4:18, 4:22, 19:3, 23:12, 95:20, 96:23, 96:24, 107:17 bet [1] - 25:5 better [1] - 96:18 between [6] - 14:25, 21:4, 79:17, 80:7, 80:15, 106:20 beyond [1] - 85:3 big [1] - 22:13 bills [1] - 32:17 Billy [1] - 87:11</p>	<p>binding [1] - 8:12 birth [9] - 75:9, 87:6, 89:3, 93:1, 97:6, 98:8, 98:15, 99:4, 99:6 bit [2] - 59:8, 61:12 bits [1] - 18:17 black [1] - 20:25 blame [1] - 107:12 Blow [2] - 53:9, 53:10 blow [1] - 59:8 Blue [4] - 40:20, 44:19, 62:8, 95:20 blue [1] - 101:9 Boca [1] - 4:9 body [1] - 57:1 bonuses [1] - 84:13 book [1] - 76:6 borders [1] - 76:21 born [14] - 15:15, 71:22, 85:24, 92:23, 92:24, 94:5, 95:18, 95:24, 96:15, 98:1, 98:4, 98:11, 99:1, 99:9 bottom [5] - 8:4, 20:13, 61:22, 61:23, 77:2 Bottom [1] - 24:24 bought [1] - 101:25 bowels [1] - 41:7 box [1] - 20:25 brands [2] - 99:25, 100:2 bred [8] - 15:3, 15:16, 71:21, 73:6, 73:8, 73:12, 90:13, 90:14 Brian [1] - 111:12 brief [1] - 42:1 briefly [3] - 36:10, 42:24, 78:23 bring [1] - 67:11 bringing [1] - 11:8 broadcasting [1] - 106:7 broker's [1] - 31:7 Brothers [16] - 6:5, 27:14, 45:7, 48:14, 95:21, 96:3, 96:9, 97:10, 97:12, 97:13, 100:5, 100:6, 100:9, 105:6, 105:18, 105:21 brought [2] - 16:23, 37:21 bullhook [4] - 8:1, 48:16, 71:7, 103:22 bullhooks [1] - 8:5 bumped [1] - 57:11 bunch [1] - 72:22</p>	<p>burden [2] - 27:23, 27:24 Burlington [1] - 49:21 Bush's [1] - 22:20 business [53] - 4:5, 9:16, 9:18, 10:3, 12:6, 14:12, 17:12, 17:18, 17:22, 20:3, 20:7, 20:8, 21:11, 21:13, 21:14, 21:15, 21:21, 21:25, 22:1, 22:2, 22:5, 22:6, 25:8, 25:13, 26:15, 27:11, 28:21, 29:8, 30:12, 30:17, 30:25, 31:7, 31:24, 32:2, 32:6, 32:8, 32:18, 32:22, 45:6, 46:25, 47:21, 59:17, 59:20, 60:23, 62:20, 65:24, 67:13, 70:16, 70:22, 77:20, 84:2, 90:6 buy [1] - 39:5 BY [39] - 35:25, 39:14, 41:3, 43:7, 44:3, 44:16, 45:23, 46:8, 47:6, 47:25, 49:2, 51:8, 51:17, 51:24, 52:25, 54:2, 56:7, 58:24, 59:22, 60:17, 63:6, 63:21, 65:10, 66:11, 69:2, 69:23, 71:25, 73:3, 73:25, 75:6, 78:16, 80:13, 82:24, 84:10, 85:15, 103:6, 105:14, 106:17, 110:16</p>	<p>Care [3] - 43:2, 43:10, 46:3 care [11] - 6:3, 36:24, 41:2, 48:9, 61:8, 63:23, 64:11, 72:22, 72:23, 109:16, 110:6 careful [2] - 108:7, 108:9 carry [2] - 14:7, 72:15 carry-over [1] - 72:15 case [57] - 4:2, 4:6, 4:15, 4:25, 6:9, 7:7, 7:20, 8:15, 10:8, 13:20, 15:25, 17:1, 19:7, 22:7, 22:11, 22:12, 22:24, 22:25, 23:1, 24:16, 25:10, 27:2, 28:3, 29:3, 29:13, 30:2, 30:8, 30:20, 32:11, 41:16, 46:14, 46:16, 46:18, 47:13, 48:11, 49:3, 51:19, 52:5, 52:8, 52:10, 53:4, 57:21, 57:22, 58:9, 62:18, 62:23, 67:5, 68:7, 76:14, 78:7, 93:19, 100:22, 101:1, 102:11, 104:23, 110:18 cases [2] - 78:24, 79:6 casting [1] - 107:12 categories [1] - 72:25 caused [1] - 108:14 censuses [2] - 95:2, 95:7 CEO [2] - 83:3, 83:9 certain [3] - 44:20, 61:8, 85:24 certainly [4] - 26:20, 27:5, 45:20, 110:19 CERTIFICATE [1] - 115:1 certificate [6] - 30:24, 76:17, 76:25, 77:2, 79:8, 99:23 certificates [3] - 30:23, 32:4, 77:3 certification [11] - 16:13, 17:12, 21:25, 24:17, 25:5, 25:6, 27:12, 28:17, 32:25, 33:9, 79:3 certified [6] - 9:13, 14:10, 17:14, 30:7, 33:5, 33:22 certifiers [4] - 30:18, 30:20, 31:5, 31:8 certify [5] - 24:21, 33:8, 33:21, 47:21,</p>	<p>115:3 certifying [1] - 31:2 chaining [1] - 27:5 chains [2] - 55:22, 71:10 challenge [2] - 30:7, 30:14 challenges [1] - 30:5 chance [4] - 61:14, 64:14, 65:11, 77:12 change [2] - 34:11, 44:25 characteristic [1] - 89:17 characteristics [1] - 89:15 charge [3] - 19:11, 43:14, 104:10 chart [16] - 13:23, 14:1, 14:3, 14:4, 74:8, 74:11, 74:13, 74:22, 77:6, 78:3, 78:6, 78:11, 94:12, 98:1 charts [1] - 97:22 cherry [1] - 18:17 cherry-pick [1] - 18:17 Chester [2] - 48:4, 48:7 chief [3] - 25:11, 67:5, 101:1 Childs [1] - 32:3 Circuit [13] - 4:25, 7:8, 22:11, 22:12, 29:3, 30:6, 30:12, 30:14, 30:17, 30:19, 31:12, 67:12 circumstances [3] - 7:9, 31:3, 70:3 Circus [7] - 6:6, 45:7, 48:14, 87:12, 96:23, 100:6, 100:9 circus [22] - 12:25, 15:10, 22:1, 27:6, 39:5, 44:17, 54:21, 59:24, 60:1, 62:7, 70:7, 70:9, 78:17, 78:20, 81:18, 92:14, 92:17, 92:18, 96:25, 97:2, 103:8, 104:8 cited [4] - 3:14, 76:6, 77:5, 77:15 CITES [9] - 76:18, 77:2, 87:2, 87:11, 87:17, 88:19, 90:9, 90:12 city [1] - 48:13 claim [1] - 95:16 claiming [3] - 9:21, 10:6, 12:16</p>
--	---	---	--	---

<p>Clara [1] - 48:12 clarified [1] - 70:13 clarify [1] - 35:4 clarifying [1] - 70:6 classification [1] - 72:13 clause [1] - 29:15 clear [9] - 12:2, 25:22, 26:2, 27:3, 27:23, 34:23, 67:12, 68:8, 70:11 clearly [1] - 28:14 clinical [1] - 107:2 close [2] - 42:15, 57:9 closed [8] - 6:6, 9:7, 23:2, 41:18, 42:3, 44:21, 56:5, 57:16 closes [1] - 10:8 closest [1] - 22:10 closing [1] - 23:4 Code [1] - 108:12 collection [1] - 60:21 collective [3] - 79:17, 80:15, 81:9 COLUMBIA [1] - 1:1 column [14] - 74:10, 75:13, 75:22, 75:24, 76:6, 77:6, 77:16, 86:25, 87:1, 87:9, 87:16, 89:3, 89:9 columns [2] - 75:8, 87:5 combed [1] - 8:22 combing [1] - 11:12 comfortable [2] - 19:15, 23:13 coming [11] - 20:5, 24:13, 24:16, 26:13, 39:13, 45:9, 46:24, 47:19, 62:17, 63:2, 78:11 commence [1] - 50:12 comments [1] - 8:17 Commerce [1] - 70:10 commercial [4] - 70:13, 101:23, 102:3, 102:14 common [3] - 76:1, 76:4, 81:5 communicable [1] - 79:5 communication [3] - 41:20, 44:22, 103:14 communications [3] - 8:14, 85:2, 85:19 companies [4] - 32:2, 32:18, 36:7, 110:8 company [42] - 3:20, 6:9, 13:22, 20:21, 31:25, 32:19, 32:20,</p>	<p>36:18, 38:14, 40:7, 41:4, 41:21, 41:23, 47:22, 53:12, 56:17, 60:9, 60:12, 60:19, 60:22, 61:2, 63:7, 63:15, 64:4, 70:20, 71:3, 71:6, 71:9, 71:10, 73:7, 73:16, 79:25, 80:22, 83:16, 83:19, 84:7, 84:16, 85:25, 90:24, 93:11, 110:21 company's [3] - 32:10, 72:13, 73:4 compelling [2] - 33:20, 34:7 competent [2] - 21:5, 68:4 compiled [1] - 32:1 complained [2] - 7:13, 109:15 complaining [2] - 82:5, 82:8 complaint [11] - 20:20, 38:22, 39:12, 40:22, 40:23, 44:9, 47:12, 57:13, 58:12, 105:5, 110:4 complaints [10] - 7:25, 13:17, 39:4, 39:7, 109:11, 109:17, 110:2, 110:3, 110:5, 110:9 complete [2] - 67:23, 91:11 completed [1] - 32:13 completely [3] - 9:9, 31:5, 65:6 completeness [24] - 16:16, 16:22, 18:16, 34:1, 34:6, 34:18, 45:8, 45:16, 45:18, 47:2, 50:21, 50:25, 51:13, 58:20, 67:21, 68:1, 68:6, 68:14, 68:21, 78:1, 91:14, 100:24, 101:8, 105:11 compliance [9] - 36:25, 37:2, 61:6, 61:7, 63:24, 64:8, 73:16, 108:10 complies [1] - 7:22 comply [3] - 12:14, 27:24, 42:17 comport [1] - 3:12 comports [1] - 3:16 computer [2] - 2:7, 31:22 computer-aided [1] -</p>	<p>2:7 concern [8] - 7:14, 18:6, 52:2, 53:4, 53:14, 55:4, 62:7, 66:17 concerned [6] - 10:2, 28:1, 56:21, 56:22, 58:3, 66:18 concerning [3] - 54:12, 57:18, 59:2 concerns [2] - 52:3, 53:15 concluded [1] - 41:11 conclusion [7] - 13:15, 40:11, 41:9, 44:25, 61:21, 75:14, 109:1 condensed [2] - 74:17, 78:5 condition [1] - 52:22 conducted [1] - 103:18 confer [1] - 51:15 confirm [1] - 108:13 confirmation [1] - 26:1 conflicting [2] - 85:23, 86:8 confrontational [1] - 29:15 Connecticut [1] - 1:16 connection [4] - 58:12, 79:1, 91:23, 100:16 consent [1] - 105:6 consequential [1] - 91:20 consider [2] - 50:24, 102:23 considerable [1] - 54:19 consideration [2] - 108:8, 108:9 considered [1] - 90:13 consistent [1] - 19:4 constant [1] - 13:21 constitutes [1] - 71:7 Constitution [1] - 2:3 Construction [1] - 32:8 consulted [1] - 107:25 contact [5] - 22:3, 37:7, 38:1, 38:7, 38:24 contacted [3] - 38:19, 38:20, 41:5 contained [1] - 91:9 contains [3] - 88:22, 91:2, 94:13 contemplating [1] -</p>	<p>7:6 contemporaneously [1] - 20:9 contends [1] - 23:15 contention [1] - 12:19 continued [1] - 18:23 continues [1] - 18:22 continuous [1] - 22:3 contract [4] - 79:23, 80:18, 81:16, 81:17 contracts [2] - 36:14, 81:5 contrary [1] - 108:23 control [2] - 54:23, 57:10 controls [1] - 21:16 controverted [1] - 10:24 convenient [1] - 38:25 convention [2] - 76:18, 76:19 conversations [1] - 97:3 convince [1] - 67:10 cooperate [1] - 37:19 coordinates [1] - 60:20 copies [5] - 40:9, 51:4, 60:21, 63:25, 77:22 copy [4] - 3:6, 40:10, 45:13, 60:7 corner [1] - 88:23 corporate [4] - 5:24, 43:20, 83:23, 107:12 corporation [6] - 4:20, 5:2, 5:6, 9:17, 9:19, 36:17 correct [49] - 8:7, 15:6, 16:21, 16:22, 35:6, 35:7, 61:10, 62:15, 67:16, 83:6, 83:13, 83:21, 84:14, 84:17, 86:15, 87:22, 87:25, 88:6, 88:20, 89:4, 89:14, 89:16, 89:23, 90:10, 90:15, 92:15, 93:7, 93:21, 94:14, 94:25, 95:10, 96:10, 96:11, 97:11, 97:13, 97:14, 97:19, 97:20, 97:23, 99:14, 99:17, 99:18, 100:7, 104:5, 104:21, 105:18, 109:3, 115:3 correctly [2] - 85:13, 107:19 correspondence [1] - 54:9 Corruption [1] - 23:23 cotton [1] - 55:17</p>	<p>counsel [17] - 3:2, 5:21, 5:24, 14:5, 17:23, 31:1, 35:20, 36:6, 37:25, 38:9, 43:20, 51:23, 58:10, 67:14, 74:20, 85:2, 111:24 Counsel [5] - 18:9, 24:6, 66:2, 78:9, 106:9 counter [1] - 112:16 counter-designations [1] - 112:16 countless [1] - 17:11 countries [1] - 76:21 country [1] - 50:4 County [2] - 55:7, 65:15 couple [3] - 33:2, 84:19, 85:12 courier [1] - 33:9 course [15] - 20:8, 21:11, 22:1, 31:6, 32:6, 37:19, 38:11, 41:17, 60:23, 64:23, 72:25, 77:19, 84:22, 100:6, 105:7 COURT [176] - 1:1, 3:2, 4:9, 4:13, 5:8, 5:13, 5:17, 5:21, 6:10, 6:18, 6:20, 7:1, 7:5, 7:17, 8:4, 8:8, 8:10, 8:20, 9:2, 9:8, 9:12, 9:18, 10:18, 10:22, 11:5, 11:12, 11:16, 11:18, 11:20, 12:5, 12:10, 12:18, 13:2, 13:5, 13:9, 13:15, 14:2, 14:4, 14:16, 15:5, 15:23, 16:4, 16:7, 16:11, 16:21, 17:1, 17:7, 17:15, 17:21, 18:2, 18:8, 18:20, 18:22, 19:12, 19:19, 20:3, 21:8, 21:13, 21:17, 21:23, 22:7, 22:17, 22:20, 23:7, 23:10, 23:22, 24:6, 24:11, 24:19, 25:2, 25:16, 26:9, 27:18, 27:21, 28:4, 28:10, 28:14, 29:1, 29:6, 29:12, 29:15, 29:21, 30:1, 34:21, 35:1, 35:8, 35:13, 35:20, 39:4, 39:10, 40:13, 40:18, 43:3, 43:5, 43:24, 44:2, 44:14, 45:15,</p>
--	--	--	--	---

<p>46:5, 47:5, 47:24, 49:1, 50:17, 50:23, 51:3, 51:7, 51:11, 51:22, 52:13, 53:23, 55:11, 55:22, 58:17, 59:13, 59:21, 60:16, 62:15, 62:22, 63:3, 63:19, 65:1, 66:2, 66:5, 67:14, 67:17, 67:19, 67:24, 68:3, 68:14, 68:22, 69:11, 69:16, 69:22, 71:22, 72:18, 73:20, 73:22, 74:15, 74:20, 75:4, 78:9, 78:13, 80:12, 82:12, 82:17, 82:22, 84:6, 100:21, 100:25, 101:3, 101:11, 101:18, 102:4, 102:8, 102:12, 102:15, 102:19, 103:3, 105:13, 106:9, 106:16, 110:14, 110:25, 111:2, 111:5, 111:9, 111:13, 111:17, 111:21, 112:6, 112:9, 112:13, 112:20, 113:1, 113:3, 113:6</p> <p>Court [21] - 2:2, 2:2, 5:10, 7:19, 23:13, 29:23, 32:12, 33:6, 36:11, 36:23, 42:24, 50:24, 51:3, 58:18, 66:5, 69:19, 70:3, 81:7, 102:12, 112:16, 115:2</p> <p>court [3] - 20:6, 30:6, 43:25</p> <p>Court's [2] - 3:14, 19:4</p> <p>Courthouse [1] - 2:3</p> <p>COURTROOM [5] - 29:23, 35:14, 69:19, 113:5, 113:7</p> <p>courts [2] - 31:16, 31:20</p> <p>covered [3] - 81:16, 81:17, 81:24</p> <p>Covington [1] - 49:21</p> <p>create [1] - 20:12</p> <p>created [3] - 30:16, 31:24, 103:22</p> <p>creation [2] - 30:22, 31:5</p> <p>credence [1] - 8:22</p> <p>credentials [1] - 40:21</p> <p>credit [1] - 32:15</p> <p>criminal [2] - 29:13,</p>	<p>58:8</p> <p>critical [1] - 14:23</p> <p>cross [7] - 18:10, 20:15, 26:7, 26:14, 27:12, 27:16, 100:24</p> <p>Cross [2] - 82:22, 114:5</p> <p>CROSS [1] - 82:23</p> <p>Cross-examination [2] - 82:22, 114:5</p> <p>CROSS-EXAMINATION [1] - 82:23</p> <p>cross-examine [4] - 26:7, 26:14, 27:12, 27:16</p> <p>cross-examined [1] - 20:15</p> <p>CRUELTY [1] - 1:3</p> <p>Crystal [1] - 1:16</p> <p>Cschm [1] - 97:16</p> <p>cultures [1] - 107:4</p> <p>cure [1] - 78:2</p> <p>current [2] - 36:5, 84:12</p> <p>custodians [1] - 31:25</p> <p>custody [2] - 31:17, 31:25</p>	<p>32:7</p> <p>dealing [1] - 44:24</p> <p>deals [2] - 22:8, 63:13</p> <p>dealt [2] - 29:9, 29:10</p> <p>Deano [1] - 87:3</p> <p>Dear [1] - 25:24</p> <p>death [10] - 51:19, 52:3, 53:15, 103:15, 103:19, 103:24, 106:13, 106:14, 107:4, 107:5</p> <p>Death [1] - 104:14</p> <p>December [3] - 79:22, 80:10, 80:17</p> <p>decision [1] - 30:5</p> <p>decisions [7] - 30:10, 32:14, 32:22, 39:22, 84:1, 84:2, 104:9</p> <p>declaration [6] - 15:18, 93:23, 96:13, 96:14, 98:10, 98:14</p> <p>declarations [3] - 15:12, 15:13, 93:19</p> <p>Defendant [9] - 1:8, 58:22, 59:14, 63:4, 66:9, 73:23, 78:14, 82:18, 114:10</p> <p>defendant [4] - 15:8, 21:18, 35:12, 105:11</p> <p>DEFENDANT [1] - 35:23</p> <p>defendant's [8] - 3:7, 15:13, 30:4, 33:16, 67:4, 93:20, 93:24, 102:17</p> <p>Defendant's [41] - 5:16, 11:15, 13:7, 16:2, 35:5, 42:19, 48:1, 56:12, 58:15, 58:25, 59:11, 59:12, 61:11, 62:14, 62:24, 64:13, 64:25, 65:22, 69:9, 69:25, 71:13, 73:19, 74:1, 77:8, 77:13, 77:16, 77:18, 77:24, 77:25, 79:14, 80:6, 82:10, 86:22, 88:6, 88:18, 91:5, 94:12, 94:19, 95:12, 97:21</p> <p>defendants [4] - 25:13, 51:11, 58:20, 67:6</p> <p>Defendants [2] - 1:19, 4:1</p> <p>defense [3] - 27:25, 28:2, 28:3</p> <p>deferred [1] - 105:3</p> <p>deficiencies [1] - 61:10</p>	<p>defining [1] - 89:15</p> <p>definitely [5] - 14:1, 14:3, 24:10, 25:19, 69:17</p> <p>definition [3] - 7:23, 26:24, 27:7</p> <p>DeHaven [13] - 6:2, 21:8, 22:16, 43:1, 43:8, 43:15, 49:18, 53:7, 55:1, 59:1, 59:6, 104:19, 104:20</p> <p>DELCIANNA [1] - 1:15</p> <p>demonstrate [2] - 5:4, 90:13</p> <p>demonstrative [2] - 5:19, 24:8</p> <p>denied [1] - 79:11</p> <p>department [16] - 36:12, 36:20, 39:1, 42:5, 42:7, 56:16, 56:17, 56:18, 60:13, 60:22, 60:24, 63:17, 63:25, 81:20, 88:12, 110:18</p> <p>Department [7] - 33:7, 37:8, 38:13, 46:4, 70:6, 104:13, 110:21</p> <p>deponent [2] - 4:17, 4:18</p> <p>deposition [15] - 3:3, 4:17, 14:17, 15:5, 15:19, 18:13, 84:21, 86:7, 86:11, 93:5, 98:4, 98:13, 98:16, 99:21, 112:10</p> <p>depositions [1] - 112:15</p> <p>DEPUTY [5] - 29:23, 35:14, 69:19, 113:5, 113:7</p> <p>deputy [5] - 6:2, 38:9, 43:1, 43:9, 48:8</p> <p>describe [5] - 36:10, 41:22, 42:24, 70:3, 81:7</p> <p>Describe [2] - 36:23, 37:6</p> <p>Description [1] - 89:10</p> <p>description [1] - 75:14</p> <p>descriptions [2] - 89:12, 89:15</p> <p>designated [2] - 74:23, 76:23</p> <p>designations [1] - 112:16</p> <p>detail [1] - 24:3</p> <p>determination [2] - 81:13, 98:23</p> <p>determine [1] - 98:20</p>	<p>determined [5] - 50:6, 52:22, 53:24, 55:9, 55:24</p> <p>detracts [1] - 24:22</p> <p>developed [1] - 95:7</p> <p>developments [1] - 38:6</p> <p>develops [1] - 38:19</p> <p>devoted [1] - 17:13</p> <p>Dick [1] - 106:20</p> <p>dictated [1] - 63:12</p> <p>die [3] - 52:13, 53:23</p> <p>died [3] - 8:18, 104:25, 106:24</p> <p>different [14] - 9:8, 9:9, 24:4, 38:20, 72:24, 72:25, 73:11, 74:13, 74:18, 74:25, 83:15, 98:25, 101:8, 106:14</p> <p>difficult [1] - 24:20</p> <p>diligent [1] - 91:11</p> <p>direct [9] - 12:8, 31:2, 69:24, 71:13, 81:1, 101:10, 101:15, 109:11, 111:17</p> <p>DIRECT [1] - 35:24</p> <p>Direct [1] - 114:5</p> <p>directed [2] - 33:21, 46:11</p> <p>directions [1] - 107:12</p> <p>directly [1] - 40:25</p> <p>director [6] - 25:4, 33:7, 33:21, 46:3, 46:15, 54:6</p> <p>disadvantage [1] - 22:18</p> <p>disagree [1] - 12:18</p> <p>Discharge [1] - 81:2</p> <p>discharge [1] - 81:10</p> <p>disclaim [1] - 91:18</p> <p>disclosed [2] - 82:15</p> <p>discomfort [1] - 108:15</p> <p>discovery [2] - 45:12, 82:16</p> <p>discrepancy [2] - 98:7, 98:18</p> <p>discuss [3] - 39:20, 111:5, 112:11</p> <p>discussed [1] - 101:15</p> <p>discussing [1] - 3:19</p> <p>discussion [1] - 30:18</p> <p>discussions [2] - 54:9, 94:7</p> <p>diseases [1] - 79:5</p> <p>disentary [1] - 107:3</p> <p>display [1] - 75:2</p> <p>dispute [3] - 9:3, 14:5,</p>
--	---	--	--	--

<p>14:25</p> <p>disputes [3] - 8:8, 10:22, 43:24</p> <p>district [1] - 21:19</p> <p>DISTRICT [3] - 1:1, 1:1, 1:12</p> <p>Division [3] - 43:2, 43:10, 46:3</p> <p>division [3] - 6:3, 41:8, 41:25</p> <p>Doc [5] - 56:10, 95:3, 107:22, 108:22, 110:20</p> <p>document [37] - 6:8, 21:9, 25:1, 34:3, 45:17, 46:22, 46:23, 47:10, 51:25, 53:2, 53:6, 55:2, 55:4, 57:23, 58:10, 60:12, 60:18, 60:21, 64:17, 66:7, 66:15, 66:17, 68:12, 72:4, 74:2, 74:18, 75:2, 75:7, 79:15, 80:14, 87:4, 93:25, 97:25, 101:6, 105:17, 107:6, 108:5</p> <p>document's [1] - 30:21</p> <p>documentation [7] - 60:2, 60:4, 63:9, 78:20, 86:14, 86:18, 102:11</p> <p>documenting [1] - 100:13</p> <p>documents [73] - 3:25, 4:16, 4:18, 4:19, 4:20, 5:11, 5:13, 9:10, 14:6, 14:9, 15:24, 19:23, 20:24, 22:4, 22:22, 24:17, 26:5, 30:9, 30:10, 30:16, 30:19, 31:14, 32:4, 33:12, 33:13, 33:15, 33:22, 34:10, 34:16, 35:5, 40:3, 40:6, 42:12, 42:14, 42:22, 42:25, 50:25, 51:14, 60:25, 61:2, 61:4, 61:17, 62:6, 62:9, 63:14, 64:4, 64:6, 64:14, 64:16, 64:21, 65:6, 65:12, 65:14, 65:17, 76:5, 76:6, 76:9, 77:5, 77:9, 77:12, 77:15, 77:18, 78:7, 82:14, 86:19, 93:1, 93:2, 96:19, 99:20, 100:16, 101:24, 105:10</p>	<p>dollars [1] - 84:9</p> <p>Dolly [1] - 92:9</p> <p>done [7] - 33:10, 38:13, 41:23, 55:16, 55:17, 55:20, 103:12</p> <p>Donna [3] - 76:9, 77:11, 96:13</p> <p>door [2] - 18:21, 38:8</p> <p>doubt [4] - 5:10, 23:1, 33:20, 98:14</p> <p>down [13] - 4:18, 6:1, 6:20, 20:5, 33:8, 35:2, 49:3, 72:1, 106:2, 107:7, 111:3</p> <p>Dr [2] - 49:19, 112:18</p> <p>drafted [1] - 32:18</p> <p>drove [1] - 107:1</p> <p>drowned [1] - 52:24</p> <p>drum [1] - 13:21</p> <p>dry [1] - 105:25</p> <p>due [1] - 57:17</p> <p>Duncan [2] - 31:21, 31:23</p> <p>during [9] - 37:21, 49:14, 55:6, 62:3, 81:14, 82:15, 86:7, 100:5, 104:24</p> <p>During [1] - 55:5</p> <p>DVM [1] - 106:19</p> <p>DX [5] - 16:17, 45:4, 47:3, 78:11, 78:12</p>	<p>ele [2] - 106:20, 106:22</p> <p>elected [1] - 67:5</p> <p>electrical [1] - 81:19</p> <p>electronically [1] - 45:13</p> <p>elephant [51] - 10:15, 46:18, 47:12, 48:16, 50:2, 50:6, 50:9, 52:4, 52:20, 53:15, 54:23, 57:9, 75:9, 75:10, 75:11, 75:12, 75:15, 75:16, 75:17, 75:20, 76:1, 76:11, 79:11, 86:3, 86:8, 87:1, 87:8, 87:10, 87:14, 90:18, 91:25, 92:2, 92:23, 94:13, 94:17, 95:6, 97:23, 99:1, 103:15, 103:19, 103:24, 104:4, 104:8, 104:10, 104:15, 105:12, 105:16, 107:16, 107:18</p> <p>elephant's [1] - 55:10</p> <p>elephants [78] - 3:11, 3:16, 3:18, 8:2, 10:14, 12:23, 12:25, 15:10, 15:15, 21:16, 27:5, 36:18, 36:21, 36:25, 37:3, 44:12, 49:4, 49:6, 52:16, 52:18, 52:19, 55:8, 55:14, 56:1, 56:8, 57:9, 57:14, 58:7, 59:3, 70:25, 71:3, 71:11, 72:13, 72:15, 73:5, 73:7, 76:3, 76:17, 76:20, 76:25, 78:6, 85:24, 86:12, 86:17, 89:13, 89:16, 91:25, 93:6, 93:9, 93:11, 93:15, 93:17, 94:3, 94:5, 94:8, 94:9, 95:17, 95:24, 96:3, 96:6, 96:8, 96:15, 97:6, 97:13, 97:15, 97:18, 98:7, 99:16, 99:24, 100:5, 100:9, 101:15, 101:25, 107:22, 108:1, 108:10, 108:20, 109:6</p> <p>elephants' [1] - 88:22</p> <p>elephants's [1] - 55:21</p> <p>eleven [5] - 3:4, 3:5, 14:17, 57:24</p> <p>Elizabeth [2] - 46:2,</p>	<p>56:13</p> <p>Ellen [2] - 105:17, 105:23</p> <p>EMMET [1] - 1:11</p> <p>employed [1] - 36:3</p> <p>employee [5] - 49:5, 49:11, 76:9, 81:8, 82:8</p> <p>employee's [2] - 82:4, 103:22</p> <p>employees [5] - 40:9, 44:10, 76:8, 81:15, 81:17</p> <p>employment [4] - 36:5, 36:16, 38:1, 82:4</p> <p>en [1] - 106:25</p> <p>encompass [1] - 98:24</p> <p>end [8] - 3:12, 22:25, 50:21, 50:23, 60:6, 81:15, 103:24, 112:15</p> <p>Endangered [7] - 15:4, 15:11, 26:22, 69:3, 69:6, 75:18, 102:2</p> <p>endangered [1] - 75:20</p> <p>energy [1] - 110:5</p> <p>enforcement [1] - 67:11</p> <p>engage [2] - 70:8, 70:22</p> <p>engaging [1] - 72:9</p> <p>England [1] - 87:12</p> <p>Enlarge [1] - 61:12</p> <p>enteritis [1] - 107:2</p> <p>Enterprises [2] - 19:13, 33:19</p> <p>entertain [1] - 45:20</p> <p>ENTERTAINMENT [1] - 1:7</p> <p>Entertainment [50] - 5:25, 13:8, 18:7, 25:12, 26:2, 36:7, 36:8, 42:12, 43:20, 47:1, 49:14, 50:3, 65:25, 66:14, 67:10, 79:10, 79:18, 80:8, 80:16, 81:8, 81:16, 82:4, 82:7, 82:15, 83:3, 83:5, 83:7, 85:23, 86:8, 87:21, 87:24, 89:6, 89:12, 90:7, 90:21, 92:1, 92:4, 92:10, 92:14, 92:19, 92:25, 93:6, 94:2, 94:10, 94:16, 94:24, 97:15,</p>	<p>101:25, 109:14, 110:17</p> <p>Entertainment's [4] - 21:14, 77:20, 103:22, 106:11</p> <p>entire [1] - 96:17</p> <p>entirely [1] - 68:11</p> <p>entities [2] - 36:13, 66:1</p> <p>entitled [3] - 28:14, 34:11, 115:4</p> <p>entity [1] - 90:13</p> <p>entry [1] - 79:11</p> <p>Equipment [1] - 32:8</p> <p>errors [1] - 91:19</p> <p>ESQ [8] - 1:14, 1:15, 1:15, 1:19, 1:19, 1:20, 1:20, 1:21</p> <p>essentially [2] - 30:6, 58:17</p> <p>established [2] - 72:22, 106:6</p> <p>establishes [1] - 72:25</p> <p>estimate [1] - 84:6</p> <p>estimating [1] - 85:5</p> <p>Etcetera [1] - 32:20</p> <p>etcetera [2] - 14:20, 14:21</p> <p>Euell [1] - 44:10</p> <p>evaluation [1] - 84:8</p> <p>evening [5] - 51:4, 82:25, 111:6, 112:2, 113:3</p> <p>event [1] - 20:9</p> <p>eventually [1] - 107:13</p> <p>evidence [50] - 4:22, 6:8, 6:14, 6:22, 7:24, 8:18, 9:24, 10:9, 10:20, 13:16, 19:2, 19:3, 19:5, 19:8, 19:13, 19:17, 19:19, 19:20, 23:4, 23:6, 23:12, 23:14, 24:8, 25:10, 25:11, 25:12, 28:1, 28:2, 33:15, 33:17, 57:17, 58:19, 58:21, 58:22, 59:14, 66:9, 68:4, 68:12, 69:1, 69:10, 69:25, 71:14, 73:23, 75:13, 78:15, 82:19, 100:23, 101:4, 108:13</p> <p>Evidence [1] - 17:10</p> <p>evidentiary [6] - 9:25, 10:1, 15:25, 34:16, 100:25, 102:23</p> <p>exact [2] - 66:4, 94:11</p> <p>exactly [1] - 25:17</p>
--	---	--	---	---

<p>examination [3] - 12:8, 82:22, 114:5</p> <p>Examination [2] - 114:5, 114:6</p> <p>EXAMINATION [3] - 35:24, 82:23, 110:15</p> <p>examine [4] - 26:7, 26:14, 27:12, 27:16</p> <p>examined [1] - 20:15</p> <p>example [6] - 5:10, 5:16, 5:22, 8:15, 110:2, 110:3</p> <p>except [5] - 13:19, 19:8, 56:4, 85:20, 96:9</p> <p>Except [1] - 96:6</p> <p>exception [5] - 30:17, 59:20, 65:3, 67:13, 101:22</p> <p>excess [1] - 84:9</p> <p>excited [2] - 55:15, 55:16</p> <p>exclude [1] - 65:9</p> <p>Excuse [1] - 109:4</p> <p>excused [2] - 111:8, 111:9</p> <p>executive [1] - 36:6</p> <p>exemplary [1] - 91:22</p> <p>Exhibit [54] - 5:16, 11:15, 13:7, 16:2, 35:5, 42:19, 45:24, 48:1, 56:12, 58:22, 58:25, 59:11, 59:12, 59:14, 61:11, 62:24, 63:4, 64:13, 64:21, 65:11, 66:9, 66:12, 67:1, 68:25, 69:9, 69:25, 71:13, 73:23, 74:1, 77:8, 77:13, 77:16, 77:18, 77:24, 77:25, 78:14, 79:14, 80:6, 82:18, 86:22, 88:6, 88:18, 91:5, 92:8, 93:24, 94:12, 94:19, 95:12, 97:21, 100:12, 104:12, 105:15, 110:1, 114:11</p> <p>exhibit [28] - 5:19, 11:14, 11:23, 45:2, 47:17, 47:19, 50:13, 53:1, 57:23, 59:6, 61:14, 61:17, 61:18, 62:9, 64:14, 64:16, 65:5, 65:12, 65:14, 65:18, 67:4, 67:15, 68:19, 74:23, 74:24, 86:23, 96:12</p> <p>exhibits [5] - 8:16, 22:25, 68:18, 77:25,</p>	<p>78:3</p> <p>exist [1] - 91:19</p> <p>expended [1] - 33:4</p> <p>expert [2] - 3:23, 108:19</p> <p>expertise [1] - 81:22</p> <p>experts [5] - 55:25, 56:3, 108:1, 108:25, 109:5</p> <p>expressed [1] - 91:16</p> <p>extend [1] - 32:15</p> <p>extent [1] - 61:5</p> <p>eye [1] - 59:19</p>	<p>FEI's [2] - 3:11, 94:7</p> <p>FELD [1] - 1:7</p> <p>Feld [84] - 3:16, 5:24, 6:12, 7:13, 8:4, 10:3, 11:3, 13:8, 13:16, 18:7, 18:24, 19:9, 19:13, 21:14, 21:17, 23:15, 25:12, 26:2, 30:25, 32:22, 32:24, 33:18, 36:6, 36:8, 42:12, 43:20, 47:1, 48:15, 49:5, 49:14, 50:3, 65:25, 66:14, 67:10, 77:19, 79:10, 79:18, 80:7, 80:16, 81:8, 81:16, 82:3, 82:7, 82:15, 83:3, 83:4, 83:5, 83:7, 83:8, 83:12, 83:13, 85:23, 86:7, 86:15, 87:20, 87:24, 88:4, 88:25, 89:6, 89:12, 90:7, 90:21, 92:1, 92:3, 92:10, 92:14, 92:18, 92:25, 93:6, 94:2, 94:10, 94:16, 94:24, 97:15, 101:25, 103:21, 106:11, 106:22, 109:14, 109:17, 110:4, 110:17</p> <p>Feld's [2] - 3:18, 91:24</p> <p>Feld-owned [1] - 48:15</p> <p>fellow [3] - 8:17, 44:11, 57:11</p> <p>fellow's [1] - 44:10</p> <p>felt [1] - 54:23</p> <p>female [1] - 48:15</p> <p>few [6] - 85:11, 85:16, 89:21, 91:24, 100:8, 101:6</p> <p>fifteen [9] - 11:10, 11:19, 13:7, 26:9, 28:12, 35:2, 35:10, 56:11, 58:16</p> <p>figure [2] - 17:16, 104:17</p> <p>file [7] - 21:20, 42:10, 42:15, 60:24, 64:1, 67:23, 87:13</p> <p>filed [2] - 44:9, 57:13</p> <p>files [1] - 8:22</p> <p>filing [3] - 5:3, 51:16, 105:5</p> <p>fill [2] - 61:20, 88:2</p> <p>fills [1] - 60:5</p> <p>film [1] - 28:18</p> <p>final [2] - 18:18, 57:23</p> <p>financial [2] - 29:11,</p>	<p>32:13</p> <p>financing [1] - 83:24</p> <p>finder [1] - 106:7</p> <p>Fine [1] - 113:1</p> <p>fine [6] - 12:16, 14:7, 18:15, 26:12, 75:1, 112:25</p> <p>firm [3] - 31:17, 31:18, 49:21</p> <p>First [6] - 14:16, 20:4, 30:23, 33:3, 67:3, 68:18</p> <p>first [31] - 3:6, 4:9, 4:16, 6:4, 10:2, 11:9, 14:14, 16:17, 16:19, 17:9, 22:8, 24:14, 25:1, 25:24, 30:7, 30:14, 44:11, 47:4, 48:10, 74:4, 82:2, 85:1, 86:25, 95:7, 97:22, 104:15, 104:17, 105:25, 107:11, 108:5, 108:18</p> <p>Fish [23] - 6:23, 7:23, 9:22, 15:20, 15:21, 23:14, 70:5, 70:17, 70:20, 71:2, 71:6, 71:9, 71:20, 73:15, 75:21, 76:22, 87:21, 88:5, 88:13, 88:20, 88:25, 89:22, 104:3</p> <p>fitness [1] - 91:17</p> <p>fits [1] - 30:17</p> <p>five [7] - 3:6, 26:12, 48:1, 58:16, 99:19, 102:22</p> <p>fixed [1] - 37:17</p> <p>FL [1] - 46:17</p> <p>flip [1] - 97:25</p> <p>Florida [5] - 37:17, 50:1, 53:16, 55:7, 64:18</p> <p>flow [1] - 5:6</p> <p>focus [1] - 68:22</p> <p>follow [3] - 4:13, 44:24, 73:14</p> <p>follow-up [1] - 44:24</p> <p>followed [5] - 4:12, 68:17, 104:8, 104:11, 104:25</p> <p>following [1] - 85:7</p> <p>footage [1] - 54:22</p> <p>FOR [3] - 1:1, 1:3, 35:23</p> <p>forcing [2] - 12:23, 50:11</p> <p>foregoing [1] - 115:3</p> <p>forget [1] - 44:10</p> <p>forgot [1] - 76:2</p>	<p>form [6] - 41:15, 41:22, 60:5, 61:20, 63:11, 63:12</p> <p>formally [1] - 94:4</p> <p>former [3] - 44:10, 49:5, 49:11</p> <p>forth [2] - 31:11, 65:7</p> <p>forty [2] - 59:5, 59:9</p> <p>forward [1] - 60:7</p> <p>forwards [2] - 60:21, 63:25</p> <p>foundation [10] - 5:1, 31:15, 32:1, 74:19, 74:21, 75:2, 78:11, 106:6, 106:8, 112:11</p> <p>four [5] - 13:6, 68:17, 91:5, 93:23, 106:21</p> <p>fourteen [2] - 54:25, 80:2</p> <p>fourth [2] - 87:1, 87:9</p> <p>frame [2] - 49:14, 61:9</p> <p>framework [2] - 4:12, 4:13</p> <p>Francisco [1] - 54:13</p> <p>freight [1] - 32:17</p> <p>French [2] - 111:12, 112:8</p> <p>frequently [5] - 38:22, 39:11, 41:13, 41:19, 41:25</p> <p>Friday [2] - 69:17, 112:21</p> <p>Friedman [2] - 4:3, 4:23</p> <p>Friedman's [4] - 4:1, 4:10, 12:7, 29:2</p> <p>Fulbright [1] - 1:21</p> <p>full [1] - 73:16</p> <p>fully [1] - 39:25</p> <p>future [1] - 23:5</p> <p>FWS [1] - 18:24</p>
F				
<p>face [2] - 43:17</p> <p>face-to-face [1] - 43:17</p> <p>facilities [1] - 37:17</p> <p>facility [5] - 50:1, 50:5, 52:17, 54:19, 55:7</p> <p>fact [8] - 7:10, 8:20, 20:16, 66:22, 76:14, 102:2, 106:7, 107:25</p> <p>factual [1] - 30:23</p> <p>factually [1] - 6:24</p> <p>fair [3] - 3:22, 12:21, 34:2</p> <p>fairly [2] - 16:12, 105:24</p> <p>fairness [1] - 17:18</p> <p>faith [1] - 14:11</p> <p>fall [3] - 15:15, 15:16, 54:13</p> <p>falls [2] - 74:10, 85:4</p> <p>familiar [19] - 37:12, 37:15, 38:16, 38:18, 48:16, 49:9, 51:19, 51:25, 54:14, 57:18, 62:1, 69:3, 76:5, 80:4, 80:20, 81:3, 90:18, 96:19, 96:20</p> <p>family [1] - 83:12</p> <p>far [5] - 29:16, 74:10, 89:9, 90:25, 97:2</p> <p>fatal [1] - 31:13</p> <p>father [1] - 83:11</p> <p>fault [1] - 14:6</p> <p>favorite [1] - 8:16</p> <p>fearful [1] - 11:6</p> <p>February [1] - 56:12</p> <p>Fed [4] - 31:23, 32:3, 32:8, 32:17</p> <p>federal [7] - 20:6, 21:18, 33:17, 37:1, 37:3, 64:7, 71:20</p> <p>Federal [1] - 108:12</p> <p>FEI [2] - 65:4, 94:2</p>				
G				
<p>Gary [5] - 12:22, 106:19, 106:22, 106:25, 107:12</p> <p>gastric [1] - 54:1</p> <p>Gautier [2] - 76:9, 77:11</p> <p>Gautier's [1] - 96:13</p> <p>Gebel [3] - 48:24, 105:1</p> <p>Gebel-Williams [1] - 105:1</p> <p>gender [2] - 75:9, 87:6</p> <p>general [5] - 3:13, 31:1, 36:6, 38:9, 40:19</p>				

<p>generally [3] - 7:21, 38:7, 81:14</p> <p>generate [5] - 40:3, 40:6, 60:1, 60:4, 63:9</p> <p>generated [4] - 9:15, 63:14, 64:20, 65:6</p> <p>generates [1] - 63:10</p> <p>George [1] - 22:20</p> <p>Germany [2] - 99:14, 99:24</p> <p>Gibbons [3] - 54:4, 54:5</p> <p>Gipson [2] - 48:4, 48:7</p> <p>given [10] - 3:13, 7:14, 13:24, 19:2, 23:12, 62:3, 64:12, 66:22, 94:5, 98:22</p> <p>glad [1] - 30:1</p> <p>Glen [1] - 44:10</p> <p>Glitzenstein [1] - 1:16</p> <p>God [1] - 35:18</p> <p>Goldentyer [3] - 51:10, 56:13, 57:25</p> <p>Goldertyer [1] - 46:2</p> <p>good-faith [1] - 14:11</p> <p>government [11] - 4:21, 7:12, 12:20, 21:19, 33:18, 40:4, 56:15, 56:17, 60:23, 76:19</p> <p>gradually [1] - 55:16</p> <p>great [1] - 36:14</p> <p>Green [1] - 8:17</p> <p>gross [1] - 23:19</p> <p>grounds [3] - 65:3, 65:23, 78:1</p> <p>group [4] - 38:23, 43:13, 55:25, 85:10</p> <p>groups [2] - 39:9, 109:23</p> <p>guarantee [1] - 91:14</p> <p>guess [9] - 13:9, 28:15, 31:22, 33:9, 40:8, 54:24, 60:8, 72:15, 85:6</p> <p>guilty [1] - 58:9</p> <p>Gunther [2] - 105:1, 106:21</p>	<p>handlers [3] - 54:22, 58:6, 81:19</p> <p>handles [2] - 18:7, 39:18</p> <p>handling [5] - 59:3, 71:3, 104:10, 108:10, 108:14</p> <p>Handling [1] - 108:12</p> <p>hands [1] - 38:4</p> <p>hands-on [1] - 38:4</p> <p>hanging [2] - 41:13, 105:24</p> <p>happy [3] - 34:25, 78:2, 111:15</p> <p>harassment [3] - 7:24, 26:22, 27:1</p> <p>harboring [1] - 79:4</p> <p>hard [5] - 20:5, 24:20, 25:6, 33:4, 39:6</p> <p>hard-working [1] - 20:5</p> <p>harm [7] - 14:12, 16:7, 17:7, 17:16, 27:1, 103:24, 108:15</p> <p>harmful [2] - 11:2, 14:15</p> <p>Harris [1] - 53:7</p> <p>head [1] - 36:12</p> <p>headnote [1] - 31:22</p> <p>health [2] - 79:4, 79:12</p> <p>hear [2] - 24:15, 40:15</p> <p>heard [1] - 13:16</p> <p>hearsay [6] - 7:7, 16:16, 59:17, 65:2, 65:23, 67:8</p> <p>heart [2] - 52:21, 52:22</p> <p>Hello [1] - 83:1</p> <p>help [9] - 4:2, 4:10, 12:7, 28:18, 29:3, 35:18, 81:21, 92:9, 107:17</p> <p>helping [1] - 113:6</p> <p>helps [1] - 4:2</p> <p>Henderson [1] - 95:4</p> <p>herpes [1] - 107:4</p> <p>highlight [4] - 86:24, 86:25, 87:8, 91:7</p> <p>highlighted [1] - 46:16</p> <p>himself [1] - 106:24</p> <p>hip [1] - 100:3</p> <p>hips [1] - 99:25</p> <p>histories [1] - 101:23</p> <p>history [5] - 3:10, 3:15, 3:18, 3:20, 105:24</p> <p>Hmm [1] - 14:2</p> <p>holder [1] - 39:8</p> <p>holding [1] - 32:17</p>	<p>Holst [4] - 76:8, 95:9, 95:16, 96:21</p> <p>Holst's [1] - 95:13</p> <p>home [1] - 60:8</p> <p>Honor [46] - 4:7, 5:18, 5:23, 6:25, 8:13, 10:7, 12:22, 13:12, 13:23, 14:14, 17:11, 18:19, 23:9, 25:9, 27:19, 34:25, 46:23, 47:18, 48:25, 51:6, 58:14, 59:16, 62:16, 65:2, 67:3, 67:21, 68:8, 71:14, 73:21, 74:8, 74:13, 77:24, 78:10, 82:10, 82:13, 100:19, 101:7, 101:14, 101:20, 106:5, 106:10, 110:13, 111:1, 111:8, 111:16, 112:23</p> <p>Honor's [1] - 12:1</p> <p>HONORABLE [1] - 1:11</p> <p>hope [1] - 27:21</p> <p>horse [1] - 27:20</p> <p>hospitals [1] - 32:2</p> <p>Houck [3] - 57:18, 106:20, 112:17</p> <p>hour [7] - 10:12, 12:9, 29:19, 30:3, 33:6, 35:11, 111:19</p> <p>hour-and-a-half [1] - 111:19</p> <p>hours [10] - 6:18, 6:19, 10:23, 11:8, 17:8, 17:11, 18:2, 27:6, 69:12, 107:3</p> <p>house [2] - 36:14, 85:2</p> <p>huge [1] - 109:19</p> <p>Humane [3] - 48:12, 66:13, 66:19</p> <p>humane [1] - 109:6</p> <p>humans [1] - 55:13</p> <p>hundred [1] - 68:17</p> <p>hundreds [2] - 109:21, 109:23</p> <p>husbandry [17] - 7:21, 8:2, 12:14, 12:19, 12:24, 13:1, 17:4, 18:25, 23:16, 26:23, 27:4, 27:7, 33:18, 72:5, 72:9, 72:18, 73:13</p>	<p>I</p> <p>Identification [1] - 114:11</p> <p>identification [1] - 63:5</p> <p>identified [3] - 42:2, 44:8, 109:23</p> <p>identity [1] - 56:8</p> <p>ignore [1] - 8:12</p> <p>imagination [2] - 13:1, 27:7</p> <p>immigration [1] - 36:15</p> <p>implied [1] - 91:16</p> <p>importance [1] - 24:22</p> <p>important [3] - 3:5, 24:16, 31:16</p> <p>importantly [1] - 10:4</p> <p>importation [1] - 99:20</p> <p>imported [3] - 99:13, 99:16, 99:24</p> <p>improper [2] - 17:4, 23:15</p> <p>in-house [2] - 36:14, 85:2</p> <p>inadvertently [1] - 57:24</p> <p>inappropriate [1] - 55:20</p> <p>INC [1] - 1:7</p> <p>Inc [2] - 36:7, 36:8</p> <p>incident [5] - 10:14, 47:15, 52:3, 58:5, 66:18</p> <p>incidental [1] - 91:20</p> <p>inclined [1] - 68:22</p> <p>include [1] - 70:14</p> <p>included [1] - 26:24</p> <p>includes [1] - 72:16</p> <p>including [4] - 3:11, 83:23, 91:16, 91:21</p> <p>inclusive [1] - 3:15</p> <p>incorporated [1] - 31:4</p> <p>indeed [6] - 7:13, 8:23, 9:23, 9:25, 11:1, 30:13</p> <p>independent [2] - 3:24, 9:25</p> <p>indicate [5] - 59:18, 98:8, 98:9, 99:5, 101:24</p> <p>indicated [10] - 33:14, 41:4, 59:23, 70:20, 71:2, 71:6, 71:9, 73:15, 96:24, 112:21</p> <p>indicates [4] - 44:21,</p>	<p>64:8, 75:14, 92:24</p> <p>indicating [1] - 42:1</p> <p>indication [1] - 45:5</p> <p>indicia [3] - 20:9, 20:15, 27:10</p> <p>indirectly [1] - 12:16</p> <p>individual [2] - 47:8, 50:4</p> <p>individuals [1] - 53:11</p> <p>industry [1] - 43:12</p> <p>infection [1] - 53:25</p> <p>informal [1] - 63:11</p> <p>information [26] - 4:3, 5:5, 20:23, 31:11, 32:23, 38:3, 40:24, 41:5, 67:12, 84:18, 85:10, 85:12, 85:16, 88:4, 88:7, 88:8, 88:25, 89:6, 90:22, 90:24, 91:7, 91:9, 91:15, 94:13, 98:17, 109:8</p> <p>informed [2] - 39:25, 102:12</p> <p>Infraction [1] - 8:23</p> <p>initial [1] - 105:2</p> <p>initiated [2] - 6:6, 44:5</p> <p>initiative [1] - 38:23</p> <p>injured [1] - 58:6</p> <p>injuries [1] - 57:12</p> <p>inordinate [1] - 110:8</p> <p>inquiring [1] - 21:20</p> <p>inside [1] - 20:21</p> <p>Insofar [1] - 10:2</p> <p>inspect [6] - 37:9, 60:1, 64:18, 66:21, 66:23</p> <p>inspected [1] - 63:7</p> <p>inspection [18] - 38:10, 38:12, 50:5, 55:5, 55:7, 60:6, 60:7, 61:19, 61:21, 62:3, 62:10, 62:17, 62:18, 62:24, 63:10, 64:20, 65:15</p> <p>inspections [1] - 37:21</p> <p>inspector [5] - 37:18, 55:8, 60:5, 61:20, 62:3</p> <p>inspects [1] - 59:23</p> <p>instance [1] - 57:8</p> <p>instances [1] - 85:23</p> <p>instituted [1] - 40:14</p> <p>institution [1] - 29:11</p> <p>instructed [1] - 50:7</p> <p>insufficient [1] - 10:9</p> <p>insurance [1] - 31:25</p> <p>integrated [2] - 32:10, 32:24</p>
<p>H</p>				
<p>half [1] - 111:19</p> <p>hand [4] - 35:15, 75:22, 77:16, 88:23</p> <p>handle [2] - 8:3, 38:4</p> <p>handled [1] - 73:11</p> <p>handler [3] - 48:14, 57:10, 57:14</p>				

<p>intended [2] - 70:14, 70:15</p> <p>inter [1] - 76:25</p> <p>interact [1] - 21:15</p> <p>interest [1] - 64:3</p> <p>interested [1] - 45:17</p> <p>Interior [1] - 70:6</p> <p>interject [1] - 34:22</p> <p>international [1] - 76:19</p> <p>Internet [1] - 20:13</p> <p>interstate [1] - 78:18</p> <p>Interstate [1] - 70:10</p> <p>interview [2] - 20:24, 39:18</p> <p>intimidated [1] - 57:15</p> <p>introduce [2] - 25:10, 67:5</p> <p>introduced [2] - 67:21, 101:6</p> <p>introduces [1] - 34:20</p> <p>introducing [3] - 100:23, 101:1, 101:3</p> <p>inventory [2] - 87:2, 87:17</p> <p>investigate [3] - 38:22, 39:2, 46:14</p> <p>investigated [1] - 42:2</p> <p>investigating [2] - 25:12, 39:3</p> <p>Investigation [2] - 8:16, 21:6</p> <p>investigation [27] - 6:5, 20:2, 20:19, 39:21, 41:11, 41:14, 42:3, 42:10, 42:11, 44:4, 44:7, 44:25, 46:11, 47:3, 48:17, 48:19, 51:18, 53:18, 54:12, 55:5, 55:6, 57:15, 103:18, 103:25, 107:11, 107:14</p> <p>investigations [8] - 7:25, 28:8, 38:14, 40:1, 40:3, 41:10, 43:14, 44:9</p> <p>investigative [3] - 39:15, 45:9, 45:11</p> <p>investigator [5] - 38:21, 40:11, 40:24, 40:25, 103:21</p> <p>Investigators [1] - 48:13</p> <p>investigators [2] - 8:14, 40:22</p> <p>investments [1] - 84:3</p> <p>involve [1] - 48:19</p> <p>involved [15] - 36:17, 37:24, 39:15, 39:21,</p>	<p>41:1, 50:1, 56:8, 57:12, 64:2, 79:23, 80:18, 81:18, 83:23, 84:1, 94:6</p> <p>involves [1] - 81:19</p> <p>involving [2] - 46:18, 52:3</p> <p>irrelevant [1] - 101:14</p> <p>issue [18] - 17:17, 19:1, 22:8, 24:19, 25:4, 25:23, 26:16, 27:3, 33:6, 38:11, 50:11, 68:21, 78:6, 100:25, 101:16, 102:8, 108:8, 108:9</p> <p>issued [6] - 64:17, 65:15, 69:6, 71:20, 79:5, 88:19</p> <p>issues [5] - 27:13, 29:15, 39:20, 76:24, 102:7</p> <p>issuing [1] - 110:5</p> <p>Item [1] - 72:1</p> <p>itself [2] - 6:9, 91:2</p> <p>IX [1] - 108:12</p>	<p>JOINER [1] - 1:19</p> <p>Jose [3] - 48:13, 58:5, 58:8</p> <p>Judge [6] - 4:1, 4:3, 4:10, 4:23, 12:6, 109:10</p> <p>JUDGE [1] - 1:12</p> <p>judgment [8] - 15:13, 15:18, 93:20, 93:25, 102:9, 102:13, 102:18, 105:4</p> <p>Julie [11] - 38:7, 39:17, 39:19, 40:16, 40:23, 42:1, 43:19, 55:1, 66:14, 103:10, 108:6</p> <p>July [4] - 48:2, 48:3, 55:1</p> <p>juncture [1] - 102:6</p> <p>June [4] - 44:23, 49:4, 66:14, 81:14</p> <p>jurisdiction [1] - 78:25</p> <p>juvenile [1] - 108:20</p>	<p>5:5, 18:4, 19:10, 21:2, 30:21, 31:2, 31:12, 47:21, 70:17, 70:21, 79:10, 82:7, 95:17, 95:21, 95:23, 95:25, 96:2, 96:15, 96:23, 96:25, 97:3, 97:6, 97:10, 103:1, 109:25</p> <p>known [3] - 5:25, 94:4, 99:7</p> <p>knows [3] - 27:13, 95:19, 96:22</p>	<p>legs [1] - 55:21</p> <p>lending [1] - 30:9</p> <p>leopards [2] - 72:16</p> <p>lesions [1] - 108:22</p> <p>less [1] - 108:21</p> <p>letter [65] - 5:23, 6:4, 8:19, 16:17, 16:19, 16:20, 16:23, 25:24, 25:25, 26:1, 26:3, 26:4, 34:3, 34:4, 41:18, 41:24, 41:25, 43:1, 43:15, 43:18, 43:19, 44:24, 45:5, 45:9, 45:10, 46:1, 46:2, 47:7, 47:14, 48:1, 49:18, 49:23, 51:9, 53:14, 53:15, 54:3, 54:11, 54:25, 56:12, 56:14, 56:21, 56:22, 57:1, 57:2, 57:16, 57:25, 58:2, 59:1, 59:2, 59:6, 59:7, 66:13, 66:24, 67:7, 67:22, 70:1, 70:4, 70:5, 92:9, 100:13, 100:17, 100:20, 105:11, 108:6, 108:18</p> <p>letters [12] - 10:9, 13:8, 19:11, 21:3, 25:23, 26:16, 28:12, 42:1, 42:5, 59:18, 109:24</p> <p>level [3] - 8:14, 9:11, 37:3</p> <p>liability [1] - 91:19</p> <p>liable [1] - 91:20</p> <p>lighting [1] - 81:18</p> <p>likely [1] - 105:5</p> <p>limitation [1] - 91:22</p> <p>limited [5] - 30:18, 33:2, 33:23, 78:6, 91:17</p> <p>limits [1] - 64:12</p> <p>Lindsay [2] - 105:20, 105:23</p> <p>Lindsay's [1] - 106:2</p> <p>line [9] - 3:6, 8:4, 20:13, 24:24, 46:17, 52:10, 84:22, 86:24, 87:7</p> <p>lines [1] - 14:22</p> <p>LISA [1] - 1:19</p> <p>list [11] - 35:5, 35:6, 67:15, 68:18, 75:20, 88:22, 93:17, 95:2, 98:23, 112:4</p> <p>listed [11] - 11:24, 18:6, 67:14, 67:15, 75:23, 75:24, 76:3,</p>
	<p>J</p> <p>Jacks [1] - 107:1</p> <p>Jacksonville [2] - 53:16, 106:25</p> <p>Jacobson [2] - 12:23, 74:11</p> <p>JACQUELINE [3] - 2:2, 115:2, 115:5</p> <p>January [9] - 6:6, 44:5, 49:17, 79:21, 80:10, 80:17, 98:23, 99:5, 99:8</p> <p>Japan [1] - 76:17</p> <p>Jaworski [1] - 1:21</p> <p>Jeannie [5] - 49:18, 49:19, 59:2, 59:6</p> <p>Jeff [1] - 61:25</p> <p>JEROME [2] - 35:23, 114:4</p> <p>Jerome [1] - 36:2</p> <p>Jerry [2] - 35:12, 37:23</p> <p>Jewell [5] - 76:11, 94:13, 94:17, 94:20, 95:2</p> <p>job [5] - 24:23, 33:8, 36:10, 107:15, 110:18</p> <p>JOHN [1] - 1:20</p> <p>join [1] - 31:20</p> <p>joined [4] - 96:3, 96:9, 97:9, 97:13</p>	<p>K</p> <p>KARA [1] - 1:19</p> <p>Karen [2] - 87:15, 87:16</p> <p>Karonco [1] - 32:17</p> <p>KATHERINE [1] - 1:14</p> <p>Keele [1] - 112:14</p> <p>keep [9] - 14:11, 16:14, 20:4, 21:20, 23:11, 38:5, 38:12, 42:10, 68:6</p> <p>keeping [1] - 37:10</p> <p>Kenneth [3] - 83:3, 83:4, 83:8</p> <p>Kenny [13] - 13:20, 53:15, 53:18, 53:23, 104:4, 104:15, 104:24, 105:12, 105:16, 106:13, 106:22, 110:18</p> <p>kept [4] - 20:8, 21:25, 32:24, 73:13</p> <p>Kind [1] - 29:15</p> <p>kind [14] - 20:2, 22:3, 27:25, 40:3, 52:21, 53:20, 60:4, 63:9, 70:21, 76:24, 79:2, 85:9, 85:12, 91:16</p> <p>kinds [2] - 10:13, 72:24</p> <p>know.. [1] - 95:22</p> <p>knowing [2] - 13:13, 42:16</p> <p>knowledge [26] - 3:17,</p>	<p>L</p> <p>labor [2] - 36:16</p> <p>Labor [1] - 33:7</p> <p>laborers [1] - 81:21</p> <p>lack [2] - 19:19, 57:17</p> <p>LANCE [1] - 1:21</p> <p>large [2] - 8:3, 36:17</p> <p>last [8] - 3:7, 15:6, 29:1, 43:11, 48:3, 48:22, 54:13, 112:19</p> <p>law [11] - 9:23, 13:12, 13:22, 14:11, 19:1, 49:21, 51:5, 62:18, 67:12, 68:7, 110:22</p> <p>laws [2] - 23:16, 37:1</p> <p>lawsuit [3] - 101:16, 102:4, 103:4</p> <p>lawyer [1] - 38:2</p> <p>lawyers [1] - 85:3</p> <p>lay [6] - 5:1, 31:15, 32:1, 74:18, 74:21, 75:1</p> <p>lead [2] - 28:23, 51:23</p> <p>leading [6] - 48:25, 51:20, 51:22, 60:15, 63:18, 80:11</p> <p>leap [1] - 22:13</p> <p>least [11] - 3:6, 22:12, 33:19, 43:17, 75:12, 84:18, 85:16, 93:6, 96:22, 101:16</p> <p>leave [2] - 60:7, 104:24</p> <p>left [4] - 41:12, 43:12, 83:16, 88:23</p> <p>left-hand [1] - 88:23</p> <p>legal [17] - 3:10, 36:12, 36:13, 38:25, 42:5, 42:7, 45:18, 60:13, 60:22, 60:24, 63:17, 63:25, 66:21, 68:23, 83:20, 107:15, 110:18</p> <p>legitimately [1] - 31:9</p>	

<p>95:9, 97:23, 98:1, 99:8</p> <p>listened [2] - 11:20, 24:6</p> <p>listening [1] - 10:12</p> <p>listing [1] - 68:17</p> <p>litigation [2] - 59:19, 85:21</p> <p>lived [1] - 106:25</p> <p>LLP [1] - 1:21</p> <p>loan [2] - 30:10, 30:18</p> <p>Local [1] - 80:16</p> <p>local [3] - 37:1, 63:7, 67:10</p> <p>locate [1] - 87:12</p> <p>located [1] - 75:12</p> <p>logo [1] - 20:12</p> <p>look [30] - 8:19, 15:11, 16:17, 24:25, 25:23, 29:6, 29:7, 29:8, 29:17, 45:16, 54:25, 55:3, 86:23, 87:4, 87:7, 87:14, 88:17, 91:5, 92:7, 92:8, 93:17, 93:25, 94:19, 95:15, 96:14, 104:12, 104:14, 105:16, 107:6, 108:17</p> <p>looked [3] - 22:10, 89:25, 107:18</p> <p>Looking [1] - 30:5</p> <p>looking [3] - 87:5, 97:22, 108:5</p> <p>looks [1] - 31:22</p> <p>loop's [1] - 9:6</p> <p>lost [4] - 14:21, 91:22, 107:12, 107:13</p> <p>low [1] - 8:14</p> <p>low-level [1] - 8:14</p> <p>lower [1] - 9:11</p> <p>lunch [1] - 30:3</p> <p>luncheon [1] - 6:11</p> <p>lunge [1] - 48:15</p> <p>luxury [1] - 34:13</p>	<p>maintenance [1] - 36:24</p> <p>major [2] - 84:1, 84:2</p> <p>majority [1] - 108:25</p> <p>man [3] - 3:22, 20:14, 81:24</p> <p>man's [1] - 22:23</p> <p>Management [1] - 88:19</p> <p>management [2] - 76:23, 84:1</p> <p>manager [1] - 40:19</p> <p>manner [1] - 71:10</p> <p>March [1] - 1:6</p> <p>Mark [2] - 48:24, 105:1</p> <p>marked [1] - 63:4</p> <p>Marked [1] - 114:11</p> <p>marks [2] - 55:8, 55:20</p> <p>Martin [1] - 112:10</p> <p>materials [2] - 75:23</p> <p>matter [19] - 8:20, 31:11, 32:7, 41:18, 42:2, 44:23, 46:10, 54:14, 54:16, 54:17, 56:5, 56:9, 56:21, 57:4, 57:6, 57:7, 58:3, 110:20, 115:4</p> <p>matters [9] - 18:7, 20:6, 31:12, 36:16, 37:20, 42:11, 58:4, 64:10, 103:9</p> <p>mean [23] - 4:3, 18:15, 19:1, 19:16, 19:25, 21:14, 21:17, 22:17, 27:20, 27:22, 27:23, 28:17, 45:16, 55:11, 68:8, 72:7, 72:8, 72:18, 75:16, 93:16, 100:22, 107:14</p> <p>meaning [2] - 31:19, 70:6</p> <p>means [2] - 14:7</p> <p>medical [1] - 79:3</p> <p>meet [1] - 38:8</p> <p>meeting [1] - 40:25</p> <p>member [2] - 20:22, 39:9</p> <p>members [1] - 81:11</p> <p>memoranda [1] - 29:9</p> <p>mentioned [2] - 17:5, 98:6</p> <p>merchantability [1] - 91:17</p> <p>merits [2] - 34:9, 34:10</p> <p>message [1] - 105:25</p> <p>messages [1] - 84:23</p> <p>met [5] - 43:4, 43:5, 43:15, 43:17, 104:20</p> <p>methods [1] - 108:20</p>	<p>Metzler [1] - 112:14</p> <p>Mexico [1] - 76:16</p> <p>MEYER [3] - 1:14, 112:23, 113:2</p> <p>Meyer [1] - 1:16</p> <p>Miami [2] - 64:19, 106:22</p> <p>MICHELLE [1] - 1:20</p> <p>middle [2] - 91:6, 108:7</p> <p>might [9] - 19:7, 23:5, 24:10, 38:23, 64:3, 97:3, 98:18, 102:22, 109:23</p> <p>Mike [1] - 112:14</p> <p>million [1] - 84:9</p> <p>mind [3] - 17:16, 34:11, 70:7</p> <p>mine [1] - 38:8</p> <p>minimizing [3] - 17:15, 24:19, 33:4</p> <p>minute [8] - 6:10, 6:21, 7:1, 9:2, 14:22, 29:4, 29:7, 69:13</p> <p>minutes [11] - 6:20, 11:10, 26:10, 26:12, 33:10, 33:22, 35:2, 35:9, 69:15, 111:14, 112:1</p> <p>mishandling [1] - 49:6</p> <p>misreading [1] - 4:10</p> <p>misrepresented [1] - 66:24</p> <p>monitoring [1] - 43:14</p> <p>month [4] - 84:19, 84:23, 85:12, 85:17</p> <p>morning [4] - 40:15, 104:5, 104:20, 111:23</p> <p>mortgage [1] - 31:6</p> <p>most [5] - 33:20, 97:13, 101:16, 109:24, 111:20</p> <p>mother [3] - 55:10, 55:15, 56:2</p> <p>mothers [5] - 55:12, 107:22, 108:2, 108:21, 109:7</p> <p>motion [4] - 15:13, 93:20, 93:24, 102:17</p> <p>move [5] - 45:3, 46:22, 100:19, 102:21, 103:4</p> <p>MR [131] - 4:7, 4:11, 4:15, 5:9, 5:15, 5:22, 6:17, 6:19, 6:25, 7:4, 7:16, 7:18, 8:7, 8:9, 8:11, 8:25, 9:6, 9:10, 9:14, 10:7, 10:19, 11:4, 11:9, 11:14,</p>	<p>11:17, 11:19, 12:1, 12:8, 12:13, 13:3, 13:6, 13:11, 13:19, 18:10, 18:21, 19:7, 19:15, 19:21, 20:18, 21:10, 21:14, 21:22, 22:2, 22:10, 22:19, 22:22, 23:8, 23:18, 23:23, 27:19, 27:22, 28:7, 28:11, 29:5, 29:10, 29:14, 29:19, 35:7, 35:10, 35:19, 35:25, 39:14, 41:3, 43:7, 44:1, 44:3, 44:16, 45:23, 46:8, 47:6, 47:25, 49:2, 50:16, 51:8, 51:17, 51:24, 52:25, 54:2, 56:7, 58:14, 58:24, 59:11, 59:22, 60:17, 62:14, 62:23, 63:6, 63:21, 64:25, 65:9, 65:10, 65:22, 66:3, 66:11, 67:1, 67:15, 67:18, 67:20, 68:16, 69:2, 69:15, 69:23, 71:25, 73:3, 73:19, 73:25, 74:13, 74:17, 74:24, 75:6, 77:24, 78:16, 80:13, 82:10, 82:20, 100:22, 101:2, 101:5, 101:8, 101:14, 106:5, 110:16, 110:24, 111:8, 111:12, 111:15, 111:19, 112:8, 112:10, 112:14, 112:25</p> <p>MS [78] - 5:18, 9:5, 11:23, 12:22, 14:1, 14:3, 14:14, 14:25, 15:6, 16:2, 16:5, 16:9, 16:15, 16:25, 17:6, 17:9, 17:20, 18:1, 18:4, 24:9, 24:14, 24:25, 25:9, 25:19, 26:11, 28:25, 34:18, 34:25, 35:4, 45:3, 45:22, 46:23, 47:18, 48:25, 50:14, 50:21, 51:2, 51:6, 51:15, 51:20, 59:16, 60:15, 62:16, 63:1, 63:18, 65:2, 65:23, 67:3, 68:1, 68:8, 73:21, 74:8, 75:1, 78:10, 80:11, 82:13, 82:24, 84:10, 85:15, 100:19, 101:6, 101:13, 101:20, 102:6, 102:10,</p>	<p>102:14, 102:16, 102:25, 103:5, 103:6, 105:14, 106:10, 106:17, 110:13, 111:1, 112:4, 112:23, 113:2</p> <p>must [1] - 62:2</p> <p>Mysore [8] - 87:1, 91:25, 92:2, 92:3, 92:10, 92:17, 92:23, 92:24</p> <p>Mysore's [1] - 86:24</p>
N				
<p>N.W [2] - 1:16, 1:22</p> <p>Name [1] - 87:6</p> <p>name [16] - 3:8, 3:9, 22:20, 22:23, 36:1, 44:11, 48:22, 50:2, 50:10, 52:4, 54:6, 86:24, 87:8, 94:5, 95:3</p> <p>named [10] - 8:17, 44:11, 46:19, 53:15, 76:11, 91:25, 92:2, 94:6, 103:16, 106:21</p> <p>names [2] - 75:9, 88:22</p> <p>narrow [1] - 4:18</p> <p>Nassau [1] - 65:15</p> <p>national [1] - 76:20</p> <p>nationally [1] - 77:1</p> <p>nature [4] - 40:23, 64:22, 64:24, 65:20</p> <p>near [1] - 31:10</p> <p>necessarily [1] - 34:4</p> <p>necessary [1] - 17:17</p> <p>neck [1] - 25:3</p> <p>need [12] - 18:5, 26:3, 26:13, 29:16, 29:18, 35:9, 45:13, 69:14, 72:11, 78:24, 79:6, 102:22</p> <p>needed [3] - 70:8, 70:21, 76:17</p> <p>needs [3] - 39:19, 45:11, 106:15</p> <p>neglected [1] - 67:6</p> <p>negligence [1] - 91:21</p> <p>negotiation [2] - 79:23, 80:18</p> <p>never [11] - 7:3, 7:12, 8:5, 14:19, 17:3, 18:6, 18:13, 18:24, 26:6, 27:14, 77:25</p> <p>Nevertheless [1] - 93:14</p> <p>new [4] - 33:8, 68:11,</p>				

70:11, 84:2 New [1] - 65:16 Next [1] - 48:4 next [10] - 33:10, 33:22, 38:8, 46:22, 47:16, 49:3, 74:6, 108:17, 111:10, 111:11 nice [1] - 111:6 Nicole [8] - 86:6, 97:23, 98:1, 98:11, 99:13, 99:21, 100:2 Nicole's [1] - 98:14 night [1] - 106:25 nine [2] - 53:6, 56:2 noncompliance [1] - 37:20 noncompliant [1] - 64:9 none [2] - 19:14, 101:16 nonjury [1] - 34:12 nonreliability [1] - 91:3 nontestifying [1] - 30:20 normal [9] - 20:8, 60:23, 70:9, 70:22, 72:5, 72:9, 72:18, 73:13, 107:4 normally [1] - 72:23 North [2] - 76:1, 76:4 Nos [3] - 63:4, 78:14, 82:18 note [2] - 3:3, 82:13 nothing [3] - 18:12, 35:17, 42:16 Nothing [2] - 107:2, 111:1 Notice [2] - 8:23, 9:3 notice [21] - 3:22, 6:13, 6:23, 7:3, 7:12, 7:13, 7:15, 9:21, 10:5, 10:6, 10:7, 10:25, 12:1, 14:17, 14:18, 14:19, 14:24, 16:12, 17:3, 21:18, 33:12 notices [1] - 37:16 notification [1] - 103:8 notified [1] - 18:24 noting [1] - 32:12 November [2] - 15:7, 49:5 number [11] - 18:10, 18:11, 46:16, 48:11, 49:4, 52:10, 56:23, 75:23, 85:22, 104:14, 109:20 numeral [1] - 81:2	numerous [1] - 91:10 NW [1] - 2:3 O o'clock [2] - 111:18, 111:22 Oakland [1] - 58:13 oath [1] - 98:25 object [16] - 5:19, 14:1, 14:3, 26:20, 45:4, 46:24, 47:18, 51:12, 58:21, 59:16, 62:16, 65:2, 65:7, 65:23, 67:3, 85:1 objected [1] - 77:25 objection [29] - 6:21, 18:16, 24:7, 24:13, 24:15, 45:8, 47:2, 51:13, 58:17, 59:13, 59:21, 62:15, 63:1, 65:1, 65:4, 67:8, 67:21, 68:2, 68:11, 73:20, 73:21, 78:2, 78:5, 78:8, 78:13, 82:12, 82:13, 100:21, 106:16 Objection [4] - 48:25, 51:20, 60:15, 63:18 objections [15] - 11:21, 11:23, 16:16, 33:25, 34:17, 34:18, 34:24, 47:22, 50:18, 66:6, 68:9, 68:11, 74:9, 105:11 objective [2] - 20:4, 28:5 obligation [1] - 90:24 observed [1] - 108:22 obtain [2] - 72:11, 87:24 obtained [3] - 50:9, 91:9, 97:3 obtains [1] - 87:21 obviously [2] - 30:17, 36:24 occasion [3] - 39:17, 42:21, 43:18 occasions [3] - 88:11, 99:1, 100:8 occurred [3] - 31:6, 58:5, 62:18 occurrence [1] - 31:10 occurring [1] - 54:12 occurs [1] - 20:23 odometer [1] - 32:5 OF [3] - 1:1, 1:3, 1:11 offer [18] - 3:4, 14:22, 14:23, 19:12, 19:14, 50:16, 50:25, 58:14, 59:11, 62:14, 62:23, 64:25, 67:1, 68:19, 73:19, 77:24, 82:10, 105:10 offered [9] - 3:22, 6:14, 6:22, 10:24, 10:25, 21:24, 30:25, 47:16, 65:22 offering [4] - 6:7, 11:15, 50:14, 58:19 offers [1] - 105:7 Office [1] - 88:19 office [6] - 38:8, 40:15, 46:12, 46:13, 60:8, 103:10 officer [2] - 10:12, 48:13 offices [1] - 46:10 official [1] - 30:7 Official [2] - 2:2, 115:2 officials [1] - 31:2 Ohio [1] - 87:3 okayed [1] - 106:23 Oklahoma [2] - 57:2, 57:19 Ola [1] - 32:7 old [1] - 106:21 older [1] - 52:20 Oliver [2] - 48:24, 105:1 omissions [1] - 91:19 once [1] - 50:16 One [3] - 13:5, 13:6, 94:5 one [83] - 3:23, 7:15, 8:8, 8:15, 10:8, 10:22, 11:16, 11:17, 13:3, 16:4, 18:11, 20:4, 22:10, 28:2, 28:13, 29:1, 29:2, 29:4, 29:7, 33:6, 37:21, 37:25, 38:20, 39:9, 40:15, 43:13, 43:18, 44:20, 44:24, 45:3, 45:4, 50:19, 52:21, 54:17, 54:22, 56:4, 56:10, 56:23, 56:25, 57:1, 57:8, 57:23, 58:4, 58:6, 58:7, 58:11, 58:15, 71:15, 71:16, 74:6, 74:14, 74:15, 74:25, 76:7, 77:3, 77:10, 78:21, 85:7, 85:18, 86:1, 88:17, 90:16, 95:7, 98:6, 100:2, 100:15, 105:9, 105:17, 106:4, 107:11, 107:13, 108:12, 109:1, 109:9, 109:22, 110:2, 110:3, 110:11 one's [1] - 22:7 one-hour [1] - 33:6 ones [4] - 28:11, 41:21, 55:15, 96:9 onset [1] - 107:3 Oops [1] - 107:14 open [2] - 18:21, 41:12 operating [1] - 100:6 operations [5] - 32:11, 37:10, 45:6, 47:1, 65:25 opinion [8] - 4:1, 4:10, 7:8, 12:7, 30:19, 56:3, 108:19, 110:17 opponent [1] - 22:17 opportunity [2] - 30:2, 74:21 opposition [1] - 102:17 options [1] - 93:17 oral [1] - 41:20 order [4] - 42:16, 68:9, 87:24, 112:4 orders [1] - 104:23 ordinarily [7] - 38:10, 46:11, 60:6, 63:10, 63:12, 79:2, 103:13 ordinary [4] - 20:8, 21:11, 22:1, 77:19 Oregon [6] - 91:11, 91:13, 91:15, 91:18, 94:3 organization [1] - 76:2 origin [2] - 87:6, 87:9 Origin [1] - 87:16 original [2] - 31:5, 86:19 originated [1] - 32:7 Orlando [1] - 107:1 orphanage [1] - 107:16 otherwise [1] - 91:21 ought [1] - 67:23 outcome [5] - 41:16, 52:5, 52:8, 53:18, 54:1 outside [7] - 22:13, 54:18, 66:1, 76:15, 83:12, 85:3, 85:4 overnight [1] - 52:16 own [8] - 12:22, 38:23, 63:11, 74:24, 88:8, 97:6, 97:10, 106:11 owned [4] - 48:15, 50:3, 50:4, 91:25 owner [2] - 50:9	owns [1] - 83:13 P p.m [14] - 1:7, 29:22, 29:25, 58:23, 59:15, 63:5, 66:10, 69:1, 69:18, 69:21, 73:24, 78:15, 82:19, 113:8 page [55] - 3:4, 3:5, 3:7, 3:8, 6:2, 14:17, 16:17, 20:17, 27:9, 31:22, 45:1, 45:3, 45:4, 45:24, 47:3, 47:4, 47:16, 47:19, 48:3, 48:4, 48:10, 49:17, 50:13, 50:14, 53:1, 53:22, 54:3, 54:25, 56:11, 57:24, 59:1, 59:5, 59:9, 61:22, 74:4, 74:7, 80:2, 84:21, 86:23, 87:7, 87:15, 88:18, 91:5, 93:23, 94:19, 95:13, 96:12, 97:22, 97:23, 97:25, 100:12 Page [4] - 48:1, 51:9, 53:6, 74:6 pages [12] - 3:6, 11:13, 11:19, 11:25, 13:3, 28:12, 58:15, 59:12, 65:5, 90:20, 102:22, 115:3 pains [1] - 25:3 paper [1] - 94:23 papers [1] - 85:20 paragraph [15] - 6:4, 25:24, 49:3, 91:6, 91:8, 93:25, 95:16, 96:14, 106:3, 106:18, 107:7, 107:9, 108:5, 108:7, 108:17 PARDO [1] - 1:20 parents [1] - 90:14 Park [1] - 94:4 Parron [4] - 49:18, 49:19, 53:7 part [24] - 7:16, 7:18, 9:11, 10:1, 15:24, 21:2, 21:15, 22:2, 22:6, 25:9, 28:3, 34:4, 34:16, 37:19, 83:25, 85:9, 88:5, 94:12, 95:19, 98:23, 102:16, 102:23 particular [16] - 41:2, 42:11, 44:25, 57:5, 57:20, 62:1, 63:24,
---	---	--

<p>75:10, 75:19, 76:4, 76:11, 76:22, 78:25, 81:22, 91:18, 95:16</p> <p>particularly [1] - 51:2</p> <p>parties [5] - 7:11, 11:5, 12:11, 15:1, 28:24</p> <p>party [9] - 21:19, 22:13, 29:11, 29:12, 30:22, 101:13, 101:18, 106:11, 106:12</p> <p>Pascandola [1] - 66:13</p> <p>patently [1] - 26:16</p> <p>pattern [1] - 18:24</p> <p>Patty [1] - 50:10</p> <p>pause [1] - 110:12</p> <p>pay [2] - 8:13, 15:10</p> <p>pedals [1] - 105:2</p> <p>Pennsylvania [1] - 1:22</p> <p>people [27] - 4:19, 19:9, 20:5, 20:11, 20:24, 21:7, 24:20, 25:3, 26:14, 37:19, 38:2, 38:4, 39:2, 39:4, 41:1, 44:17, 54:17, 70:15, 81:18, 81:20, 81:21, 85:10, 97:1, 97:4, 104:9, 109:24, 112:4</p> <p>per [4] - 87:2, 87:11, 87:17</p> <p>perfectly [1] - 27:3</p> <p>perform [4] - 12:23, 12:25, 27:6, 78:25</p> <p>performance [2] - 104:25, 106:23</p> <p>performer [3] - 48:19, 48:20, 58:6</p> <p>Perfringens [1] - 107:4</p> <p>perhaps [1] - 55:19</p> <p>period [5] - 18:14, 54:19, 80:10, 81:14, 85:7</p> <p>periods [2] - 55:18, 55:19</p> <p>permission [2] - 50:9, 50:12</p> <p>permit [13] - 70:8, 70:21, 71:20, 71:21, 72:12, 72:14, 73:4, 73:12, 76:25, 79:7, 88:2, 88:10, 88:19</p> <p>permits [13] - 71:15, 76:18, 78:24, 79:2, 87:21, 87:24, 87:25, 88:5, 88:17, 89:21,</p>	<p>90:2, 90:4, 90:6</p> <p>permitting [1] - 3:11</p> <p>Perone [1] - 59:2</p> <p>perpetrator [1] - 58:9</p> <p>Perron [1] - 59:6</p> <p>person [12] - 20:14, 31:11, 33:8, 48:21, 49:13, 52:14, 57:13, 58:8, 62:1, 63:25, 83:2, 83:12</p> <p>personal [12] - 5:4, 18:4, 19:10, 21:2, 47:20, 95:17, 95:23, 96:2, 96:15, 97:6, 97:10, 109:25</p> <p>personally [10] - 5:25, 39:15, 46:6, 46:7, 54:5, 62:12, 65:17, 77:5, 88:10, 94:6</p> <p>persuade [3] - 68:7, 68:23, 102:22</p> <p>pertain [1] - 28:12</p> <p>pertains [3] - 15:20, 20:2, 105:16</p> <p>Pettegrew [1] - 112:17</p> <p>PETTEWAY [1] - 1:19</p> <p>ph [1] - 107:3</p> <p>Phone [1] - 40:18</p> <p>phone [2] - 28:20, 40:17</p> <p>photographs [1] - 10:13</p> <p>physical [2] - 103:23, 108:15</p> <p>pick [1] - 18:17</p> <p>piece [2] - 67:9, 94:23</p> <p>pieces [1] - 18:17</p> <p>PL [1] - 45:12</p> <p>place [7] - 5:5, 20:19, 37:11, 46:13, 75:9, 107:17, 109:25</p> <p>plaintiff [8] - 3:3, 3:14, 3:21, 13:17, 21:18, 23:15, 33:25, 66:6</p> <p>Plaintiff [1] - 1:5</p> <p>plaintiff's [1] - 33:25</p> <p>plaintiffs [17] - 6:12, 8:22, 14:9, 15:25, 17:1, 19:2, 33:4, 33:6, 33:11, 34:17, 58:19, 68:6, 68:23, 74:9, 78:1, 78:8, 105:10</p> <p>Plaintiffs [2] - 1:14, 45:8</p> <p>Plaintiffs' [11] - 66:12, 67:1, 67:22, 68:25, 92:8, 100:12, 100:20, 104:12, 105:15, 108:4, 110:1</p>	<p>plaintiffs' [4] - 50:18, 58:19, 67:4, 102:17</p> <p>PN [1] - 107:2</p> <p>point [20] - 6:11, 8:24, 10:4, 12:11, 19:13, 20:25, 26:21, 27:22, 28:22, 28:23, 34:9, 34:12, 37:7, 37:25, 38:7, 43:9, 45:16, 55:13, 85:18, 112:15</p> <p>points [4] - 45:20, 50:23, 51:5, 83:15</p> <p>police [2] - 10:12, 48:13</p> <p>political [1] - 8:12</p> <p>Polk [1] - 55:7</p> <p>pond [2] - 52:17, 52:18</p> <p>Portland [2] - 93:7, 94:3</p> <p>position [9] - 6:24, 13:14, 23:18, 23:19, 36:5, 40:12, 43:12, 46:9, 70:18</p> <p>possible [3] - 23:5, 86:1, 86:10</p> <p>post [1] - 107:1</p> <p>potential [1] - 74:23</p> <p>practice [8] - 7:22, 12:24, 18:25, 25:22, 73:16, 99:6, 99:10</p> <p>practices [16] - 8:2, 12:14, 12:19, 14:20, 17:4, 23:16, 26:23, 27:4, 27:7, 33:18, 59:3, 72:5, 72:9, 72:19, 73:13</p> <p>Pre [8] - 15:3, 15:16, 74:10, 75:15, 75:16, 76:10, 101:21</p> <p>Pre-Act [8] - 15:3, 15:16, 74:10, 75:15, 75:16, 76:10, 101:21</p> <p>precipitated [1] - 103:23</p> <p>precisely [2] - 57:7, 104:11</p> <p>precluded [2] - 33:16, 101:3</p> <p>precludes [1] - 100:25</p> <p>predicate [1] - 4:24</p> <p>prejudice [3] - 14:8, 33:3, 33:11</p> <p>prejudiced [12] - 6:15, 6:22, 7:10, 9:20, 12:13, 15:25, 16:5, 17:2, 25:8, 25:9, 25:19, 75:4</p> <p>prejudicial [2] - 16:9, 26:17</p>	<p>premises [1] - 39:2</p> <p>preparation [1] - 59:19</p> <p>prepared [5] - 59:18, 75:12, 76:7, 76:13, 100:16</p> <p>preparing [1] - 76:13</p> <p>present [2] - 28:5, 96:8</p> <p>presented [1] - 24:2</p> <p>presenting [1] - 58:9</p> <p>preserve [2] - 33:25, 102:7</p> <p>President [1] - 22:21</p> <p>president [4] - 5:24, 36:6, 43:20, 56:14</p> <p>pretial [5] - 3:7, 67:7, 68:2, 68:9, 68:12</p> <p>pretty [1] - 57:9</p> <p>PREVENTION [1] - 1:3</p> <p>previously [5] - 3:19, 58:18, 66:7, 98:10, 98:25</p> <p>primarily [2] - 3:18, 83:23</p> <p>primary [3] - 37:7, 38:1, 83:20</p> <p>Prince [1] - 94:6</p> <p>principle [1] - 20:7</p> <p>private [1] - 43:12</p> <p>privy [1] - 21:4</p> <p>problem [6] - 4:15, 9:1, 9:6, 13:11, 20:3, 25:21</p> <p>procedure [1] - 37:20</p> <p>procedures [3] - 55:14, 60:22, 72:10</p> <p>proceed [2] - 69:22, 75:5</p> <p>proceeding [1] - 16:1</p> <p>proceedings [2] - 110:12, 115:4</p> <p>Proceedings [2] - 2:7, 113:8</p> <p>process [21] - 9:11, 19:10, 20:18, 20:23, 24:18, 37:13, 37:15, 37:24, 38:5, 38:16, 38:18, 39:16, 40:6, 40:13, 40:14, 41:22, 55:9, 55:11, 63:23, 68:16, 78:20</p> <p>processing [1] - 30:10</p> <p>produce [1] - 102:21</p> <p>produced [3] - 2:7, 45:12</p> <p>products [1] - 110:9</p> <p>proffer [3] - 12:4, 13:23, 101:11</p> <p>proffered [1] - 16:4</p>	<p>profits [1] - 91:22</p> <p>prohibition [1] - 7:19</p> <p>prompted [1] - 67:22</p> <p>prong [1] - 3:23</p> <p>proof [2] - 23:9, 27:23</p> <p>proper [2] - 4:23, 106:5</p> <p>property [1] - 86:12</p> <p>prosecutable [1] - 105:4</p> <p>protest [1] - 66:24</p> <p>prove [2] - 4:16, 11:10</p> <p>provide [9] - 3:24, 4:14, 51:3, 68:6, 79:2, 88:7, 88:9, 89:15, 91:11</p> <p>provided [5] - 7:12, 41:5, 60:12, 60:18</p> <p>provides [2] - 88:4, 89:12</p> <p>proving [1] - 27:24</p> <p>provision [8] - 70:12, 81:1, 81:3, 81:5, 81:8, 81:9, 82:1, 82:3</p> <p>provisionally [3] - 34:15, 50:17, 68:5</p> <p>provisions [1] - 80:20</p> <p>PT [1] - 93:9</p> <p>public [14] - 14:10, 16:13, 20:22, 21:23, 28:17, 33:21, 62:19, 62:20, 63:1, 63:2, 85:8, 109:11, 109:15, 109:17</p> <p>publication [1] - 91:23</p> <p>publications [1] - 91:13</p> <p>Pull [1] - 5:21</p> <p>pull [1] - 5:16</p> <p>purchased [3] - 92:14, 97:15, 97:18</p> <p>purchasing [1] - 62:2</p> <p>purports [1] - 5:9</p> <p>purpose [4] - 7:9, 21:24, 76:13, 91:18</p> <p>purposes [2] - 15:4, 34:6</p> <p>put [17] - 9:7, 9:10, 9:21, 12:2, 13:3, 14:17, 14:23, 16:12, 17:3, 19:8, 22:22, 26:5, 55:23, 55:25, 67:6, 107:4</p> <p>PXMC [1] - 114:16</p>
				Q
				questioned [1] - 31:8

<p>questions [6] - 36:15, 70:7, 82:20, 110:13, 110:24, 110:25</p> <p>quit [1] - 107:13</p> <p>quite [4] - 41:9, 85:19, 92:5, 96:25</p> <p>quote [5] - 3:10, 3:12, 30:14, 103:22, 103:24</p> <p>quote/unquote [1] - 31:18</p> <p>quoting [2] - 30:19, 31:21</p>	<p>85:18, 109:19, 109:21, 109:23, 110:5</p> <p>received [9] - 4:4, 32:22, 70:5, 79:3, 84:18, 85:19, 103:8, 109:11, 109:20</p> <p>receives [1] - 109:17</p> <p>recent [1] - 88:15</p> <p>Recently [1] - 85:10</p> <p>recently [1] - 15:2</p> <p>Recess [2] - 29:22, 69:18</p> <p>recess [3] - 6:11, 33:6, 69:13</p> <p>recite [1] - 93:2</p> <p>recognize [18] - 45:24, 46:16, 47:7, 47:10, 53:2, 53:6, 54:6, 58:1, 58:2, 59:2, 59:7, 61:23, 66:15, 69:25, 71:16, 74:2, 79:15, 80:7</p> <p>recognized [1] - 4:3</p> <p>recognizes [1] - 66:6</p> <p>recollection [3] - 92:9, 95:5, 108:23</p> <p>recommend [1] - 105:5</p> <p>recommendations [1] - 104:7</p> <p>record [52] - 4:5, 5:20, 7:9, 8:20, 8:21, 8:25, 9:17, 9:18, 9:25, 10:1, 10:20, 11:2, 12:6, 13:13, 15:25, 16:14, 17:12, 19:16, 21:21, 21:23, 21:25, 22:15, 22:24, 25:8, 25:13, 26:14, 26:21, 26:25, 29:8, 29:25, 31:4, 31:17, 33:16, 33:17, 34:4, 34:16, 34:20, 34:23, 36:1, 47:2, 63:1, 63:2, 67:13, 67:20, 69:21, 92:7, 92:25, 93:16, 102:23, 105:9, 115:4</p> <p>recorded [1] - 20:8</p> <p>records [70] - 3:18, 8:21, 9:3, 9:13, 10:2, 10:3, 10:24, 10:25, 11:2, 11:6, 11:25, 14:10, 14:12, 15:23, 17:14, 17:18, 17:22, 18:5, 19:5, 20:3, 22:6, 24:18, 26:13, 27:8, 27:10, 27:16, 28:6, 28:17, 28:22, 28:25, 29:10, 30:12,</p>	<p>30:17, 30:25, 31:3, 31:6, 31:10, 31:24, 32:1, 32:2, 32:9, 32:10, 32:18, 32:22, 32:24, 33:5, 34:8, 46:25, 47:21, 47:22, 50:20, 59:17, 59:20, 62:19, 62:20, 62:21, 63:24, 65:4, 65:25, 85:23, 86:8, 90:7, 98:8, 98:19, 98:22, 99:4, 104:13, 106:15</p> <p>Red [2] - 62:24, 106:21</p> <p>Redirect [2] - 110:14, 114:6</p> <p>REDIRECT [1] - 110:15</p> <p>refer [9] - 45:1, 58:25, 59:5, 65:11, 66:12, 69:9, 74:1, 77:8, 79:14</p> <p>reference [11] - 44:4, 47:12, 48:11, 49:3, 51:18, 72:4, 74:4, 76:10, 76:12, 77:2, 77:9</p> <p>referred [1] - 43:22</p> <p>referring [3] - 54:11, 61:20, 73:1</p> <p>reflected [1] - 89:19</p> <p>refrain [2] - 50:10, 51:22</p> <p>refresh [1] - 92:9</p> <p>regard [2] - 70:22, 81:21</p> <p>regarded [1] - 70:9</p> <p>regarding [9] - 26:18, 70:7, 85:24, 104:4, 104:7, 105:12, 107:21, 108:1, 110:6</p> <p>region [1] - 54:6</p> <p>regional [3] - 46:3, 46:10, 46:14</p> <p>Regional [1] - 76:1</p> <p>regular [3] - 32:6, 105:24, 109:17</p> <p>regularly [1] - 32:14</p> <p>regulate [1] - 70:15</p> <p>regulated [1] - 37:3</p> <p>regulation [3] - 7:20, 18:25, 37:8</p> <p>regulations [11] - 23:17, 37:1, 37:11, 42:4, 42:17, 69:6, 70:11, 70:12, 72:10, 72:21, 108:11</p> <p>Regulations [1] - 108:13</p> <p>regulatory [7] - 3:12,</p>	<p>7:23, 14:20, 15:1, 22:3, 22:7, 75:13</p> <p>relate [1] - 64:23</p> <p>related [3] - 47:15, 58:4, 85:20</p> <p>relating [3] - 42:11, 44:9, 94:7</p> <p>relations [3] - 56:15, 56:18, 60:23</p> <p>Relatorium [1] - 3:10</p> <p>released [1] - 112:24</p> <p>relevant [8] - 3:4, 18:18, 24:5, 32:12, 101:19, 101:20, 102:1, 102:20</p> <p>reliability [3] - 20:10, 20:16, 22:15</p> <p>reliable [2] - 4:5, 91:10</p> <p>relied [5] - 30:6, 30:9, 30:11, 32:10, 32:19</p> <p>reluctant [1] - 50:8</p> <p>rely [13] - 4:1, 21:22, 22:5, 42:12, 42:14, 42:15, 51:5, 61:2, 61:4, 61:5, 64:4, 64:6, 64:9</p> <p>Relying [1] - 31:21</p> <p>relying [1] - 89:21</p> <p>remain [2] - 29:23, 69:19</p> <p>remedying [1] - 23:21</p> <p>remember [5] - 47:13, 56:8, 57:6, 58:3, 94:2</p> <p>reopen [1] - 23:3</p> <p>repeat [2] - 23:10, 50:19</p> <p>Report [2] - 8:16, 21:6</p> <p>report [20] - 40:10, 41:10, 41:16, 45:10, 45:11, 46:14, 47:3, 60:6, 60:7, 61:19, 62:5, 63:10, 63:12, 64:19, 65:15, 83:3, 83:4, 103:25</p> <p>reported [2] - 2:7, 54:24</p> <p>Reporter [3] - 2:2, 2:2, 115:2</p> <p>reports [10] - 6:4, 39:23, 41:15, 56:18, 56:19, 62:10, 62:17, 62:18, 62:24, 91:12</p> <p>represent [1] - 75:7</p> <p>representation [1] - 91:12</p> <p>representations [1] - 91:16</p> <p>representative [1] -</p>	<p>60:9</p> <p>representatives [1] - 66:18</p> <p>represented [2] - 18:11, 103:1</p> <p>representing [3] - 49:21, 53:11, 66:20</p> <p>request [1] - 32:13</p> <p>requested [3] - 16:19, 25:25, 88:7</p> <p>require [2] - 79:8, 83:19</p> <p>required [2] - 31:9, 72:23</p> <p>requirement [2] - 31:24, 91:1</p> <p>requirements [1] - 31:20</p> <p>requisite [1] - 47:20</p> <p>reserve [1] - 45:15</p> <p>reserved [2] - 68:2, 102:8</p> <p>resolve [1] - 34:10</p> <p>resolved [2] - 34:9, 53:19</p> <p>respect [7] - 14:5, 30:13, 30:14, 37:7, 51:13, 70:24, 110:20</p> <p>respond [4] - 40:12, 59:9, 110:7, 110:10</p> <p>responding [1] - 43:13</p> <p>response [4] - 34:3, 67:23, 68:21, 110:4</p> <p>responses [2] - 24:3, 110:5</p> <p>responsibilities [2] - 36:11, 83:20</p> <p>responsibility [1] - 36:20</p> <p>rest [3] - 62:9, 64:21, 65:17</p> <p>rested [2] - 100:23, 101:2</p> <p>restrains [1] - 71:10</p> <p>result [5] - 4:11, 38:11, 39:20, 57:12, 64:20</p> <p>resulting [1] - 91:21</p> <p>retain [1] - 64:1</p> <p>returned [1] - 50:11</p> <p>review [8] - 39:8, 42:21, 61:14, 64:14, 65:12, 77:12, 88:13, 93:16</p> <p>reviewed [3] - 62:12, 65:17, 77:5</p> <p>reviewers [1] - 108:19</p> <p>Rider [7] - 49:12, 81:24, 84:18, 84:24,</p>
R				
<p>raise [1] - 35:14</p> <p>raising [1] - 68:10</p> <p>ran [1] - 16:12</p> <p>range [1] - 36:17</p> <p>ranges [1] - 36:14</p> <p>rank [3] - 7:7, 59:17, 67:8</p> <p>rather [1] - 106:24</p> <p>re [3] - 46:17, 52:10, 68:17</p> <p>re-listing [1] - 68:17</p> <p>read [25] - 8:18, 14:21, 16:19, 29:1, 29:2, 29:4, 30:2, 53:10, 81:18, 85:13, 86:25, 87:9, 87:15, 91:7, 94:1, 104:15, 106:3, 106:18, 107:8, 107:19, 108:8, 108:18, 112:16</p> <p>reading [4] - 30:13, 31:17, 91:8, 104:18</p> <p>reads [1] - 19:11</p> <p>real [1] - 9:16</p> <p>realize [1] - 105:4</p> <p>really [8] - 4:17, 10:23, 14:18, 15:7, 18:15, 23:18, 58:10, 107:13</p> <p>reason [14] - 5:10, 19:23, 20:22, 21:10, 21:20, 22:14, 23:1, 23:21, 24:1, 26:4, 33:20, 34:7, 52:7, 98:13</p> <p>reasons [10] - 20:20, 30:4, 33:3, 33:19, 33:23, 34:15, 47:19, 58:18, 66:7, 79:12</p> <p>receipt [3] - 58:21, 60:10, 62:4</p> <p>receive [12] - 17:24, 22:4, 37:16, 84:13, 84:16, 84:23, 85:16,</p>				

<p>85:16, 85:20, 112:23 Rider's [1] - 85:6 Ridley [1] - 112:17 right-hand [1] - 75:22 rights [4] - 38:23, 54:17, 57:8, 109:22 ring [1] - 106:23 Ringling [19] - 6:5, 27:14, 38:1, 45:7, 48:14, 95:21, 96:3, 96:9, 96:23, 97:9, 97:12, 97:13, 100:5, 100:6, 100:9, 105:6, 105:18, 105:21, 105:24 Robert [3] - 54:4, 54:5 Roman [2] - 81:2, 97:16 Ron [11] - 6:2, 21:8, 43:1, 43:8, 49:18, 53:7, 55:1, 59:1, 59:6, 104:19, 104:20 Room [1] - 2:3 room [1] - 20:6 route [1] - 106:25 routine [2] - 25:22, 26:15 RPR [1] - 2:2 rule [6] - 16:23, 18:25, 29:20, 31:9, 31:19, 51:4 Rule [1] - 32:4 ruled [1] - 4:25 Rules [1] - 17:10 rules [2] - 17:23, 23:16 ruling [3] - 34:7, 45:15, 102:9 running [1] - 22:5</p>	<p>Sanerib [1] - 114:5 SANERIB [77] - 1:15, 5:18, 9:5, 11:23, 12:22, 14:1, 14:3, 14:14, 14:25, 15:6, 16:2, 16:5, 16:9, 16:15, 16:25, 17:6, 17:9, 17:20, 18:1, 18:4, 24:9, 24:14, 24:25, 25:9, 25:19, 26:11, 28:25, 34:18, 34:25, 35:4, 45:3, 45:22, 46:23, 47:18, 48:25, 50:14, 50:21, 51:2, 51:6, 51:15, 51:20, 59:16, 60:15, 62:16, 63:1, 63:18, 65:2, 65:23, 67:3, 68:1, 68:8, 73:21, 74:8, 75:1, 78:10, 80:11, 82:13, 82:24, 84:10, 85:15, 100:19, 101:6, 101:13, 101:20, 102:6, 102:10, 102:14, 102:16, 102:25, 103:5, 103:6, 105:14, 106:10, 106:17, 110:13, 111:1, 112:4 Santa [1] - 48:12 satisfied [1] - 31:20 saw [2] - 20:21, 55:8 say-so [1] - 18:18 scar [1] - 89:19 scenario [1] - 17:1 scene [2] - 39:20, 104:10 scenes [2] - 54:18, 54:19 Schmitt [1] - 112:18 scope [1] - 3:22 screen [4] - 11:17, 74:6, 77:10, 92:5 scroll [1] - 6:1 Seat [1] - 48:12 seated [2] - 29:23, 69:19 second [5] - 3:9, 47:3, 61:24, 67:8, 110:11 Second [1] - 31:4 secondly [1] - 10:3 Secondly [1] - 33:11 section [1] - 74:9 Section [1] - 108:11 see [23] - 3:5, 3:8, 4:2, 12:11, 18:16, 33:3, 37:10, 40:15, 44:5, 45:19, 48:4, 48:11, 49:7, 57:16, 72:2,</p>	<p>72:5, 85:20, 93:17, 96:17, 97:22, 104:17, 107:7, 112:12 seeing [1] - 90:3 seem [2] - 17:12, 47:20 self [1] - 26:13 self-serving [1] - 26:13 sell [2] - 83:19, 110:9 send [1] - 22:4 sense [2] - 5:7, 31:3 sent [3] - 6:8, 19:24, 22:24 sentence [3] - 104:15, 105:25, 108:18 separate [3] - 56:1, 108:20, 109:6 separated [1] - 55:18 separation [4] - 55:9, 55:11, 107:21, 108:1 series [2] - 42:25, 71:15 serve [1] - 26:1 service [1] - 96:22 Service [17] - 6:23, 9:22, 15:20, 15:22, 23:14, 70:6, 71:21, 73:15, 75:21, 76:22, 87:22, 88:5, 88:14, 88:20, 89:1, 89:22, 104:3 services [1] - 91:13 serving [1] - 26:13 SESSION [1] - 1:11 session [2] - 29:24, 69:20 set [2] - 31:11, 81:21 sets [1] - 4:11 settle [1] - 105:6 settled [1] - 107:14 settlement [4] - 13:20, 53:19, 105:8, 107:15 seven [10] - 13:7, 28:10, 28:13, 31:22, 31:23, 50:13, 51:9, 58:16, 78:6, 99:19 several [12] - 9:7, 9:10, 31:16, 38:2, 49:6, 54:20, 107:3, 108:1, 108:19, 109:3, 109:5, 112:15 severe [1] - 53:25 shall [1] - 91:19 shaped [2] - 99:24, 100:2 shareholders [1] - 83:14 shareholders' [1] -</p>	<p>83:18 shares [1] - 83:13 SHEA [1] - 1:21 shipping [2] - 32:18, 32:19 short [3] - 35:5, 35:6, 55:18 shorter [2] - 29:20, 35:11 shorthand [1] - 2:7 shot [1] - 19:3 shots [1] - 79:3 show [26] - 5:8, 5:10, 9:3, 10:5, 10:6, 10:24, 10:25, 11:6, 11:7, 23:9, 61:11, 64:13, 66:19, 71:15, 78:17, 80:6, 81:22, 98:18, 98:19, 101:23, 105:15, 108:4, 110:1 showed [3] - 40:21, 54:22, 99:23 shown [1] - 101:10 shows [4] - 9:24, 16:18, 85:7, 104:23 sick [1] - 106:22 side [2] - 13:24, 75:23 side's [1] - 58:10 sign [2] - 79:25, 80:22 signatories [1] - 76:21 signature [3] - 61:24, 80:2, 80:24 signatures [1] - 61:23 signed [5] - 21:9, 22:18, 22:21, 77:11, 89:22 significant [2] - 10:11, 22:18 signs [1] - 107:2 Simpson [7] - 26:19, 34:19, 35:2, 35:4, 85:1, 114:5, 114:6 SIMPSON [131] - 1:20, 4:7, 4:11, 4:15, 5:9, 5:15, 5:22, 6:17, 6:19, 6:25, 7:4, 7:16, 7:18, 8:7, 8:9, 8:11, 8:25, 9:6, 9:10, 9:14, 10:7, 10:19, 11:4, 11:9, 11:14, 11:17, 11:19, 12:1, 12:8, 12:13, 13:3, 13:6, 13:11, 13:19, 18:10, 18:21, 19:7, 19:15, 19:21, 20:18, 21:10, 21:14, 21:22, 22:2, 22:10, 22:19, 22:22, 23:8, 23:18, 23:23, 27:19, 27:22, 28:7,</p>	<p>28:11, 29:5, 29:10, 29:14, 29:19, 35:7, 35:10, 35:25, 39:14, 41:3, 43:7, 44:1, 44:3, 44:16, 45:23, 46:8, 47:6, 47:25, 49:2, 50:16, 51:8, 51:17, 51:24, 52:25, 54:2, 56:7, 58:14, 58:24, 59:11, 59:22, 60:17, 62:14, 62:23, 63:6, 63:21, 64:25, 65:9, 65:10, 65:22, 66:3, 66:11, 67:1, 67:15, 67:18, 67:20, 68:16, 69:2, 69:15, 69:23, 71:25, 73:3, 73:19, 73:25, 74:13, 74:17, 74:24, 75:6, 77:24, 78:16, 80:13, 82:10, 82:20, 100:22, 101:2, 101:5, 101:8, 101:14, 106:5, 110:16, 110:24, 111:8, 111:12, 111:15, 111:19, 112:8, 112:10, 112:14, 112:25 single [1] - 94:23 sitting [1] - 20:5 situation [4] - 57:5, 57:10, 76:16, 82:2 six [5] - 36:9, 99:16, 111:18, 111:21, 111:22 skipped [1] - 57:24 slight [1] - 98:7 small [2] - 20:16, 36:12 Smart [1] - 87:12 so-called [1] - 56:2 SOCIETY [1] - 1:3 Society [2] - 66:13, 66:19 soft [1] - 55:17 sold [4] - 92:18, 100:5, 100:9, 101:25 solemnly [1] - 35:16 someone [3] - 28:16, 67:10, 85:8 sometime [1] - 94:18 Sometimes [4] - 20:24, 38:20, 41:19, 63:11 sometimes [3] - 20:24, 39:6, 41:10 somewhere [1] - 41:7 sooner [1] - 33:23 sorry [5] - 11:20,</p>
S				
<p>Sabo [3] - 86:3, 86:8, 93:9 Sabu [1] - 94:5 Sacha [1] - 57:18 salary [3] - 84:11, 84:12, 84:13 sale [2] - 100:13, 100:16 sales [1] - 70:15 San [4] - 48:13, 54:12, 58:5, 58:8 sanction [1] - 17:25 sanctioned [6] - 8:5, 11:1, 12:20, 13:17, 17:24, 33:18 sanctioning [1] - 23:15</p>	<p>Sanerib [1] - 114:5 SANERIB [77] - 1:15, 5:18, 9:5, 11:23, 12:22, 14:1, 14:3, 14:14, 14:25, 15:6, 16:2, 16:5, 16:9, 16:15, 16:25, 17:6, 17:9, 17:20, 18:1, 18:4, 24:9, 24:14, 24:25, 25:9, 25:19, 26:11, 28:25, 34:18, 34:25, 35:4, 45:3, 45:22, 46:23, 47:18, 48:25, 50:14, 50:21, 51:2, 51:6, 51:15, 51:20, 59:16, 60:15, 62:16, 63:1, 63:18, 65:2, 65:23, 67:3, 68:1, 68:8, 73:21, 74:8, 75:1, 78:10, 80:11, 82:13, 82:24, 84:10, 85:15, 100:19, 101:6, 101:13, 101:20, 102:6, 102:10, 102:14, 102:16, 102:25, 103:5, 103:6, 105:14, 106:10, 106:17, 110:13, 111:1, 112:4 Santa [1] - 48:12 satisfied [1] - 31:20 saw [2] - 20:21, 55:8 say-so [1] - 18:18 scar [1] - 89:19 scenario [1] - 17:1 scene [2] - 39:20, 104:10 scenes [2] - 54:18, 54:19 Schmitt [1] - 112:18 scope [1] - 3:22 screen [4] - 11:17, 74:6, 77:10, 92:5 scroll [1] - 6:1 Seat [1] - 48:12 seated [2] - 29:23, 69:19 second [5] - 3:9, 47:3, 61:24, 67:8, 110:11 Second [1] - 31:4 secondly [1] - 10:3 Secondly [1] - 33:11 section [1] - 74:9 Section [1] - 108:11 see [23] - 3:5, 3:8, 4:2, 12:11, 18:16, 33:3, 37:10, 40:15, 44:5, 45:19, 48:4, 48:11, 49:7, 57:16, 72:2,</p>	<p>72:5, 85:20, 93:17, 96:17, 97:22, 104:17, 107:7, 112:12 seeing [1] - 90:3 seem [2] - 17:12, 47:20 self [1] - 26:13 self-serving [1] - 26:13 sell [2] - 83:19, 110:9 send [1] - 22:4 sense [2] - 5:7, 31:3 sent [3] - 6:8, 19:24, 22:24 sentence [3] - 104:15, 105:25, 108:18 separate [3] - 56:1, 108:20, 109:6 separated [1] - 55:18 separation [4] - 55:9, 55:11, 107:21, 108:1 series [2] - 42:25, 71:15 serve [1] - 26:1 service [1] - 96:22 Service [17] - 6:23, 9:22, 15:20, 15:22, 23:14, 70:6, 71:21, 73:15, 75:21, 76:22, 87:22, 88:5, 88:14, 88:20, 89:1, 89:22, 104:3 services [1] - 91:13 serving [1] - 26:13 SESSION [1] - 1:11 session [2] - 29:24, 69:20 set [2] - 31:11, 81:21 sets [1] - 4:11 settle [1] - 105:6 settled [1] - 107:14 settlement [4] - 13:20, 53:19, 105:8, 107:15 seven [10] - 13:7, 28:10, 28:13, 31:22, 31:23, 50:13, 51:9, 58:16, 78:6, 99:19 several [12] - 9:7, 9:10, 31:16, 38:2, 49:6, 54:20, 107:3, 108:1, 108:19, 109:3, 109:5, 112:15 severe [1] - 53:25 shall [1] - 91:19 shaped [2] - 99:24, 100:2 shareholders [1] - 83:14 shareholders' [1] -</p>	<p>83:18 shares [1] - 83:13 SHEA [1] - 1:21 shipping [2] - 32:18, 32:19 short [3] - 35:5, 35:6, 55:18 shorter [2] - 29:20, 35:11 shorthand [1] - 2:7 shot [1] - 19:3 shots [1] - 79:3 show [26] - 5:8, 5:10, 9:3, 10:5, 10:6, 10:24, 10:25, 11:6, 11:7, 23:9, 61:11, 64:13, 66:19, 71:15, 78:17, 80:6, 81:22, 98:18, 98:19, 101:23, 105:15, 108:4, 110:1 showed [3] - 40:21, 54:22, 99:23 shown [1] - 101:10 shows [4] - 9:24, 16:18, 85:7, 104:23 sick [1] - 106:22 side [2] - 13:24, 75:23 side's [1] - 58:10 sign [2] - 79:25, 80:22 signatories [1] - 76:21 signature [3] - 61:24, 80:2, 80:24 signatures [1] - 61:23 signed [5] - 21:9, 22:18, 22:21, 77:11, 89:22 significant [2] - 10:11, 22:18 signs [1] - 107:2 Simpson [7] - 26:19, 34:19, 35:2, 35:4, 85:1, 114:5, 114:6 SIMPSON [131] - 1:20, 4:7, 4:11, 4:15, 5:9, 5:15, 5:22, 6:17, 6:19, 6:25, 7:4, 7:16, 7:18, 8:7, 8:9, 8:11, 8:25, 9:6, 9:10, 9:14, 10:7, 10:19, 11:4, 11:9, 11:14, 11:17, 11:19, 12:1, 12:8, 12:13, 13:3, 13:6, 13:11, 13:19, 18:10, 18:21, 19:7, 19:15, 19:21, 20:18, 21:10, 21:14, 21:22, 22:2, 22:10, 22:19, 22:22, 23:8, 23:18, 23:23, 27:19, 27:22, 28:7,</p>	<p>28:11, 29:5, 29:10, 29:14, 29:19, 35:7, 35:10, 35:25, 39:14, 41:3, 43:7, 44:1, 44:3, 44:16, 45:23, 46:8, 47:6, 47:25, 49:2, 50:16, 51:8, 51:17, 51:24, 52:25, 54:2, 56:7, 58:14, 58:24, 59:11, 59:22, 60:17, 62:14, 62:23, 63:6, 63:21, 64:25, 65:9, 65:10, 65:22, 66:3, 66:11, 67:1, 67:15, 67:18, 67:20, 68:16, 69:2, 69:15, 69:23, 71:25, 73:3, 73:19, 73:25, 74:13, 74:17, 74:24, 75:6, 77:24, 78:16, 80:13, 82:10, 82:20, 100:22, 101:2, 101:5, 101:8, 101:14, 106:5, 110:16, 110:24, 111:8, 111:12, 111:15, 111:19, 112:8, 112:10, 112:14, 112:25 single [1] - 94:23 sitting [1] - 20:5 situation [4] - 57:5, 57:10, 76:16, 82:2 six [5] - 36:9, 99:16, 111:18, 111:21, 111:22 skipped [1] - 57:24 slight [1] - 98:7 small [2] - 20:16, 36:12 Smart [1] - 87:12 so-called [1] - 56:2 SOCIETY [1] - 1:3 Society [2] - 66:13, 66:19 soft [1] - 55:17 sold [4] - 92:18, 100:5, 100:9, 101:25 solemnly [1] - 35:16 someone [3] - 28:16, 67:10, 85:8 sometime [1] - 94:18 Sometimes [4] - 20:24, 38:20, 41:19, 63:11 sometimes [3] - 20:24, 39:6, 41:10 somewhere [1] - 41:7 sooner [1] - 33:23 sorry [5] - 11:20,</p>

<p>15:19, 30:2, 107:9, 112:6</p> <p>sort [6] - 15:17, 27:11, 38:4, 53:25, 81:19, 81:22</p> <p>Sounds [1] - 105:23</p> <p>source [2] - 75:10, 96:1</p> <p>sources [2] - 88:8, 91:10</p> <p>Sowalsky [36] - 3:9, 5:25, 11:10, 11:24, 12:8, 14:19, 15:12, 18:4, 19:10, 20:1, 21:2, 21:12, 27:13, 35:12, 36:2, 37:24, 42:18, 44:4, 59:23, 69:3, 69:24, 71:17, 75:7, 78:17, 81:1, 82:25, 83:2, 85:22, 90:18, 93:5, 93:19, 103:7, 107:21, 109:10, 110:17, 111:2</p> <p>SOWALSKY [3] - 35:19, 35:23, 114:4</p> <p>Sowalsky's [1] - 15:17</p> <p>SPCA [1] - 65:16</p> <p>speaks [1] - 6:9</p> <p>species [1] - 75:19</p> <p>Species [7] - 15:4, 15:11, 26:22, 69:3, 69:6, 75:18, 102:2</p> <p>specific [3] - 70:24, 79:7, 98:21</p> <p>specifically [1] - 108:11</p> <p>spend [4] - 6:15, 6:17, 10:23, 18:2</p> <p>spending [3] - 17:7, 17:16, 24:11</p> <p>spends [1] - 110:4</p> <p>spent [2] - 10:11, 17:11</p> <p>spoken [2] - 46:7, 51:12</p> <p>staff [2] - 38:2, 95:3</p> <p>stage [1] - 102:13</p> <p>stall [1] - 104:24</p> <p>stand [2] - 28:23, 106:23</p> <p>standard [5] - 26:21, 26:22, 26:23, 37:20, 73:1</p> <p>standards [2] - 72:22, 73:10</p> <p>stands [1] - 19:16</p> <p>star [2] - 99:24, 100:2</p> <p>star-shaped [2] - 99:24, 100:2</p>	<p>start [10] - 69:16, 84:22, 91:7, 111:15, 111:22, 111:25, 112:8, 112:18, 112:20</p> <p>started [5] - 15:7, 15:8, 93:12, 95:3, 95:4</p> <p>starting [1] - 108:7</p> <p>starts [3] - 20:19, 20:22, 75:25</p> <p>State [1] - 36:1</p> <p>state [17] - 37:1, 52:5, 52:8, 52:9, 63:7, 63:11, 63:13, 64:17, 64:18, 67:20, 70:10, 78:21, 78:24, 78:25, 79:11</p> <p>statement [6] - 3:7, 23:5, 67:7, 68:2, 68:12, 105:2</p> <p>statements [7] - 28:9, 32:5, 32:13, 40:8, 85:8, 99:2, 105:3</p> <p>states [3] - 64:23, 79:7, 89:3</p> <p>States [6] - 4:7, 29:5, 38:13, 76:15, 76:24, 99:13</p> <p>STATES [2] - 1:1, 1:12</p> <p>stating [2] - 49:5, 98:10</p> <p>stature [1] - 21:6</p> <p>status [9] - 3:12, 6:5, 6:9, 15:1, 15:21, 75:13, 76:10, 101:22, 102:1</p> <p>stay [1] - 37:2</p> <p>stayed [1] - 52:21</p> <p>Stechcon [1] - 44:11</p> <p>step [1] - 111:2</p> <p>Still [1] - 87:12</p> <p>still [12] - 3:23, 4:14, 28:19, 29:8, 33:14, 34:8, 73:13, 78:10, 90:6, 98:18, 99:3, 112:18</p> <p>stipulate [6] - 7:11, 11:6, 12:12, 12:14, 12:15, 28:24</p> <p>stipulated [1] - 9:14</p> <p>stipulation [3] - 9:15, 12:21, 58:20</p> <p>stock [3] - 83:17, 83:19, 84:7</p> <p>stood [1] - 107:13</p> <p>stop [2] - 52:16, 111:22</p> <p>stopped [1] - 52:15</p> <p>story [2] - 106:14,</p>	<p>106:15</p> <p>Strauss [16] - 5:24, 25:25, 38:7, 39:17, 43:19, 43:22, 43:25, 47:8, 48:2, 51:10, 54:4, 55:1, 57:25, 66:14, 103:11, 108:6</p> <p>street [2] - 16:13, 28:16</p> <p>stress [2] - 103:23, 108:15</p> <p>stressful [1] - 108:21</p> <p>stretch [2] - 13:1, 27:6</p> <p>strike [2] - 31:13, 48:15</p> <p>strongest [1] - 30:15</p> <p>stud [1] - 76:6</p> <p>Studbook [1] - 76:1</p> <p>studbook [7] - 76:2, 76:3, 76:4, 90:19, 90:22, 91:2, 91:9</p> <p>stuff [4] - 10:14, 18:17, 24:16, 29:16</p> <p>subject [11] - 3:10, 4:4, 18:10, 34:17, 50:17, 58:7, 58:18, 66:5, 66:6, 102:4, 103:3</p> <p>submit [3] - 68:23, 88:10, 90:24</p> <p>submits [1] - 90:22</p> <p>submitted [11] - 10:15, 10:16, 15:12, 29:11, 40:10, 68:9, 79:9, 88:13, 93:19, 93:24, 98:10</p> <p>subpoena [3] - 25:4, 33:7</p> <p>substantial [1] - 19:17</p> <p>Substantial [1] - 19:19</p> <p>sudden [1] - 107:2</p> <p>sufficient [4] - 23:4, 23:6, 78:11, 108:13</p> <p>suggest [1] - 28:15</p> <p>suggested [1] - 41:17</p> <p>suggesting [1] - 105:3</p> <p>suit [1] - 58:8</p> <p>Suite [1] - 1:17</p> <p>Sullivan [1] - 109:10</p> <p>SULLIVAN [4] - 1:11, 2:2, 115:2, 115:5</p> <p>summarize [1] - 13:25</p> <p>summary [7] - 15:13, 15:17, 93:20, 93:24, 102:9, 102:13, 102:17</p> <p>supersede [1] - 15:9</p> <p>supplies [2] - 19:18, 88:25</p> <p>support [5] - 15:12,</p>	<p>19:16, 32:16, 32:21, 93:20</p> <p>supporting [2] - 30:19, 78:7</p> <p>supports [3] - 4:6, 7:8, 30:4</p> <p>supposed [2] - 24:23, 76:3</p> <p>surname [1] - 29:4</p> <p>surprised [1] - 14:6</p> <p>Suspension [1] - 81:2</p> <p>Sustained [3] - 49:1, 60:16, 63:19</p> <p>swear [1] - 35:16</p> <p>sworn [1] - 105:3</p> <p>SWORN [1] - 35:23</p> <p>system [1] - 54:1</p>	<p>31:1, 80:12</p> <p>testifying [3] - 30:8, 30:24, 32:9</p> <p>testimony [13] - 3:3, 3:4, 3:10, 15:20, 26:19, 26:20, 33:2, 33:24, 35:16, 46:25, 74:9, 111:6, 111:13</p> <p>tethering [1] - 8:1</p> <p>tethers [3] - 55:17, 55:23, 71:10</p> <p>Texas [1] - 52:4</p> <p>Thailand [1] - 87:18</p> <p>THE [199] - 1:1, 1:3, 1:11, 3:2, 4:9, 4:13, 5:8, 5:13, 5:17, 5:21, 6:10, 6:18, 6:20, 7:1, 7:5, 7:17, 8:4, 8:8, 8:10, 8:20, 9:2, 9:8, 9:12, 9:18, 10:18, 10:22, 11:5, 11:12, 11:16, 11:18, 11:20, 12:5, 12:10, 12:18, 13:2, 13:5, 13:9, 13:15, 14:2, 14:4, 14:16, 15:5, 15:23, 16:4, 16:7, 16:11, 16:21, 17:1, 17:7, 17:15, 17:21, 18:2, 18:8, 18:20, 18:22, 19:12, 19:19, 20:3, 21:8, 21:13, 21:17, 21:23, 22:7, 22:17, 22:20, 23:7, 23:10, 23:22, 24:6, 24:11, 24:19, 25:2, 25:16, 26:9, 27:18, 27:21, 28:4, 28:10, 28:14, 29:1, 29:6, 29:12, 29:15, 29:21, 30:1, 34:21, 35:1, 35:8, 35:13, 35:20, 35:22, 35:23, 39:4, 39:6, 39:10, 39:11, 40:13, 40:16, 40:18, 40:19, 43:3, 43:4, 43:5, 43:6, 43:24, 44:2, 44:14, 44:15, 45:15, 46:5, 46:6, 47:5, 47:24, 49:1, 50:17, 50:23, 51:3, 51:7, 51:11, 51:21, 51:22, 52:13, 52:14, 53:23, 53:24, 55:11, 55:12, 55:22, 55:23, 58:17, 59:13, 59:21, 60:16, 62:15, 62:22, 63:3, 63:19, 65:1, 66:2, 66:5, 67:14, 67:17, 67:19, 67:24, 68:3,</p>
--	--	---	--	---

68:14, 68:22, 69:11, 69:16, 69:22, 71:22, 71:24, 72:18, 72:20, 73:20, 73:22, 74:15, 74:20, 75:4, 78:9, 78:13, 80:12, 82:12, 82:17, 82:22, 84:6, 84:8, 85:14, 100:21, 100:25, 101:3, 101:11, 101:18, 102:4, 102:8, 102:12, 102:15, 102:19, 103:3, 105:13, 106:9, 106:16, 110:14, 110:25, 111:2, 111:4, 111:5, 111:7, 111:9, 111:13, 111:17, 111:21, 112:6, 112:9, 112:13, 112:20, 113:1, 113:3, 113:6 themselves [4] - 8:15, 19:25, 39:12, 66:25 theory [5] - 23:24, 51:1, 58:20, 68:5 thereby [1] - 31:18 therefore [2] - 15:15, 78:7 thereof [1] - 75:13 they've [8] - 6:14, 14:10, 18:21, 19:2, 41:18, 42:2, 96:22, 96:23 They've [1] - 23:12 thinking [3] - 69:16, 86:3, 86:5 third [6] - 21:19, 29:11, 29:12, 30:22, 33:13, 104:24 thirteen [1] - 54:3 thirty [1] - 33:22 Thirty [1] - 36:9 Thirty-six [1] - 36:9 Thomas [2] - 56:13 thousands [2] - 11:13, 11:24 threatened [1] - 57:14 three [15] - 4:19, 5:1, 13:4, 13:5, 13:6, 18:2, 30:5, 33:19, 58:16, 65:5, 65:9, 68:17, 95:16, 106:21, 111:13 Throughout [1] - 5:13 ticket [2] - 39:5, 39:8 ticket-holder [1] - 39:8 Tillie [1] - 50:2 Tim [2] - 76:8, 95:9	title [3] - 32:5, 43:9, 89:10 Title [1] - 108:12 TO [1] - 1:3 today [14] - 35:21, 40:20, 42:21, 43:25, 61:15, 64:14, 77:13, 87:20, 103:7, 103:15, 106:13, 107:22, 111:11, 113:6 together [1] - 41:1 token [2] - 16:12, 17:21 Tom [7] - 49:12, 81:24, 84:18, 84:23, 85:6, 85:16, 85:20 tomorrow [8] - 51:4, 69:16, 111:22, 111:25, 112:2, 112:5, 112:7, 112:20 tonight [1] - 51:16 Tony [1] - 87:3 took [8] - 6:11, 6:23, 24:7, 30:1, 46:13, 72:8, 76:16, 109:25 top [8] - 3:9, 20:17, 37:2, 48:12, 52:10, 62:6, 87:4, 105:17 totally [1] - 16:23 tour [1] - 53:17 toward [2] - 48:15, 59:19 trace [1] - 86:20 track [2] - 14:21, 85:8 tracks [1] - 85:9 train [2] - 106:25, 107:1 trainer's [1] - 105:4 trainers [1] - 104:25 training [1] - 12:25 trains [1] - 27:5 TRANSCRIPT [1] - 1:11 transcript [3] - 2:7, 84:21, 115:3 transcription [1] - 2:7 transferring [1] - 70:16 transfers [1] - 70:15 transit [1] - 52:14 transmitted [1] - 31:11 transport [2] - 76:20, 76:25 transportation [1] - 76:20 transported [1] - 52:17 transporting [1] - 52:15	trauma [2] - 103:23, 108:14 travel [1] - 78:17 traveling [2] - 37:16, 44:20 treatie [2] - 76:22, 76:23 treatment [4] - 50:7, 50:12, 72:22, 109:16 trial [8] - 5:13, 13:16, 15:7, 15:19, 18:22, 34:12, 34:14, 35:17 TRIAL [1] - 1:11 tricks [1] - 12:23 tried [1] - 25:10 trouble [1] - 85:5 Troy [2] - 48:22, 112:14 true [11] - 23:5, 23:8, 77:22, 83:2, 83:14, 85:22, 86:17, 90:12, 90:21, 92:17, 104:7 trustworthiness [1] - 27:10 trustworthy [2] - 5:6, 5:8 truth [3] - 35:17, 35:18 try [6] - 36:12, 37:1, 38:24, 41:17, 68:12, 98:17 trying [14] - 4:16, 4:21, 8:24, 10:21, 17:11, 17:15, 19:25, 23:9, 25:14, 28:18, 57:10, 67:10, 87:12, 105:11 tuberculosis [1] - 50:6 Tulsa [4] - 56:23, 57:2, 57:5, 57:19 turn [4] - 3:7, 25:13, 27:25, 56:11 turned [2] - 25:14, 57:11 Tusk [1] - 94:6 twelve [2] - 49:17, 50:15 Twenty [1] - 69:15 two [36] - 6:15, 6:17, 6:18, 6:19, 6:20, 10:23, 11:8, 15:12, 17:8, 18:11, 30:22, 44:9, 44:17, 45:1, 45:24, 48:2, 52:16, 53:11, 55:8, 56:8, 59:3, 69:12, 74:7, 78:4, 93:6, 94:3, 94:7, 94:19, 96:12, 96:14, 98:25, 104:14, 108:10, 108:15, 109:9, 111:13	type [4] - 32:14, 45:5, 63:10, 67:12 types [5] - 9:22, 25:23, 30:16, 62:10, 81:15 typical [1] - 40:13 U U.S [6] - 2:3, 31:21, 31:23, 32:3, 32:16, 104:13 ultimate [1] - 103:24 ultimately [9] - 18:18, 40:8, 41:8, 50:12, 52:22, 53:24, 55:25, 56:5, 68:20 unclear [1] - 65:6 uncommon [1] - 81:9 under [26] - 3:9, 7:9, 9:23, 21:25, 26:21, 31:3, 31:15, 32:4, 37:9, 50:25, 58:19, 59:20, 60:21, 62:17, 67:13, 68:5, 69:6, 72:10, 76:18, 82:3, 87:16, 88:19, 90:12, 98:25, 102:1, 104:14 underlined [1] - 56:25 underlying [3] - 30:23, 45:9, 45:11 undertake [1] - 61:7 undertaken [1] - 57:16 unfair [4] - 17:13, 26:16, 28:17, 68:13 Union [1] - 79:18 union [1] - 81:11 Unit [5] - 40:20, 44:19, 62:8, 62:25, 95:20 unit [7] - 40:20, 41:2, 44:17, 61:25, 62:2, 62:6, 64:1 UNITED [2] - 1:1, 1:12 United [6] - 4:7, 29:5, 38:13, 76:15, 76:23, 99:13 units [8] - 37:16, 37:17, 38:21, 44:20, 60:22, 78:17, 103:8 Unknown [3] - 87:2, 87:11, 87:17 Unless [2] - 4:9, 111:13 unless [3] - 12:13, 13:12, 90:13 unnecessary [1] - 108:14 unsigned [1] - 90:4 untrue [1] - 23:2 unusual [2] - 62:1, 89:17	Up [2] - 15:2, 19:13 up [20] - 4:16, 5:16, 5:21, 11:11, 22:9, 30:11, 36:12, 44:24, 46:11, 53:9, 53:10, 59:8, 69:17, 81:22, 83:16, 87:4, 94:23, 111:16, 112:7, 112:15 US [1] - 43:2 USDA [75] - 5:13, 6:3, 6:13, 7:6, 7:9, 8:5, 8:21, 8:24, 9:15, 9:21, 10:15, 10:16, 13:8, 15:9, 17:3, 17:11, 18:7, 18:12, 18:17, 18:24, 19:24, 20:12, 20:16, 23:14, 25:11, 25:23, 26:2, 26:15, 27:12, 27:14, 30:21, 32:23, 33:21, 34:3, 37:18, 38:5, 38:8, 38:21, 38:24, 39:12, 39:16, 40:1, 40:3, 40:4, 40:7, 40:14, 40:22, 41:5, 41:7, 41:8, 41:15, 41:25, 42:17, 44:23, 46:9, 46:10, 48:9, 50:10, 53:19, 54:7, 54:24, 59:23, 60:4, 72:10, 72:21, 103:8, 103:19, 107:10, 107:14, 107:25, 108:6, 109:3, 109:5, 109:16 usual [1] - 107:11 V vacate [1] - 111:25 vague [1] - 20:2 valuable [1] - 86:12 value [1] - 84:6 Vargus [1] - 112:17 various [6] - 36:13, 36:25, 54:10, 72:24, 75:8, 79:7 variously [1] - 10:8 verbatim [2] - 30:13, 31:17 version [2] - 74:17, 78:5 versus [2] - 4:8, 29:5 vet [3] - 104:11, 105:20, 107:10 vet's [1] - 104:7 veterinarian [11] -
---	--	--	--	--

<p>43:9, 49:20, 50:8, 64:3, 79:6, 79:8, 95:3, 99:23, 104:24, 105:2</p> <p>veterinarians [1] - 106:12</p> <p>vets [2] - 105:18, 105:24</p> <p>vice [4] - 5:24, 36:6, 43:20, 56:14</p> <p>video [3] - 54:18, 54:20, 112:11</p> <p>video-taping [2] - 54:18, 54:20</p> <p>videotape [1] - 10:13</p> <p>view [3] - 10:4, 37:18, 86:14</p> <p>violated [2] - 13:22, 18:25</p> <p>violates [1] - 12:17</p> <p>violating [1] - 13:12</p> <p>violation [19] - 10:10, 10:17, 13:11, 13:21, 23:16, 23:25, 24:2, 26:7, 27:15, 41:12, 42:4, 46:12, 53:20, 56:6, 57:17, 61:5, 105:5, 110:21</p> <p>violations [3] - 11:1, 23:20, 54:12</p> <p>Violations [1] - 9:4</p> <p>viral [1] - 53:25</p> <p>virtually [1] - 56:3</p> <p>virtue [1] - 102:9</p> <p>vis [2] - 15:21</p> <p>vis-a-vis [1] - 15:21</p> <p>voiced [1] - 56:3</p> <p>voluminous [2] - 50:24, 51:2</p> <p>voluntarily [1] - 90:21</p>	<p>watch [1] - 106:23</p> <p>water [2] - 52:20</p> <p>ways [2] - 17:22, 38:20</p> <p>weakness [1] - 31:13</p> <p>weaknesses [1] - 30:22</p> <p>weaned [1] - 55:12</p> <p>weaning [1] - 59:3</p> <p>weather [2] - 52:18, 112:2</p> <p>website [2] - 109:18, 110:6</p> <p>Wednesday [1] - 1:6</p> <p>weekend [1] - 3:2</p> <p>Weider [1] - 105:23</p> <p>Weidner [1] - 105:17</p> <p>weight [3] - 34:11, 68:7, 68:24</p> <p>Weinstein [1] - 53:7</p> <p>welcome [1] - 113:7</p> <p>Welfare [12] - 7:22, 10:17, 12:17, 15:9, 23:20, 26:7, 27:15, 37:9, 72:11, 72:21, 73:17, 108:11</p> <p>West [1] - 106:20</p> <p>west [2] - 99:13, 99:24</p> <p>Western [1] - 54:6</p> <p>whistleblower [1] - 47:12</p> <p>whole [3] - 18:15, 35:17, 36:16</p> <p>wild [1] - 71:22</p> <p>Wildlife [23] - 6:23, 7:23, 9:22, 15:20, 15:21, 23:14, 70:5, 70:17, 70:20, 71:2, 71:6, 71:9, 71:20, 73:15, 75:21, 76:22, 87:21, 88:5, 88:14, 88:20, 88:25, 89:22, 104:3</p> <p>wildlife [5] - 15:3, 15:16, 70:15, 71:21, 73:12</p> <p>wildlife-bred [1] - 15:16</p> <p>William [3] - 105:20, 105:23, 106:2</p> <p>Williams [1] - 105:1</p> <p>willing [2] - 5:18, 12:15</p> <p>Williston [1] - 50:1</p> <p>WINDERS [1] - 1:15</p> <p>wish [2] - 50:25, 51:5</p> <p>withdrawn [1] - 70:18</p> <p>WITNESS [21] - 35:22, 35:23, 39:6, 39:11, 40:16, 40:19, 43:4,</p>	<p>43:6, 44:15, 46:6, 51:21, 52:14, 53:24, 55:12, 55:23, 71:24, 72:20, 84:8, 85:14, 111:4, 111:7</p> <p>Witness [1] - 85:5</p> <p>witness [25] - 4:22, 5:4, 7:2, 12:22, 18:6, 20:6, 21:5, 26:6, 27:12, 28:5, 28:21, 30:8, 30:24, 31:1, 47:20, 71:15, 101:9, 102:25, 106:6, 106:13, 111:10, 111:11, 112:19, 112:24</p> <p>witnessed [1] - 49:6</p> <p>witnesses [1] - 32:9</p> <p>WITNESSES [1] - 114:3</p> <p>witnessing [1] - 48:13</p> <p>woman [3] - 20:14, 28:19, 76:8</p> <p>wonderful [2] - 112:2, 113:3</p> <p>wondering [1] - 25:16</p> <p>worded [1] - 10:8</p> <p>words [2] - 18:13, 26:24</p> <p>works [1] - 6:1</p> <p>World [1] - 100:9</p> <p>world [1] - 15:17</p> <p>worst [1] - 17:1</p> <p>wound [1] - 26:25</p> <p>wrapped [2] - 55:17, 55:24</p> <p>write [2] - 21:1, 41:18</p> <p>writes [1] - 105:23</p> <p>writing [3] - 41:17, 41:25, 109:24</p> <p>written [5] - 5:23, 41:21, 63:12, 67:9, 106:11</p> <p>written-out [1] - 63:12</p> <p>wrote [1] - 4:17</p>	<p>88:15, 88:16, 106:19, 106:21</p> <p>yesterday [3] - 74:12, 74:16, 74:25</p> <p>York [1] - 65:16</p> <p>young [9] - 52:3, 52:20, 52:23, 55:8, 55:14, 55:21, 56:1, 106:19, 106:20</p> <p>younger [1] - 52:21</p> <p>yourself [2] - 37:24, 38:5</p>
W		Z	
<p>Wait [5] - 6:10, 7:1, 7:5, 9:2, 13:6</p> <p>wait [2] - 6:21, 14:22</p> <p>waiting [1] - 20:6</p> <p>wants [1] - 27:13</p> <p>warm [2] - 52:18, 112:3</p> <p>warning [1] - 81:13</p> <p>warranties [2] - 91:15, 91:17</p> <p>warranty [1] - 91:2</p> <p>Washington [8] - 1:6, 1:17, 1:22, 2:4, 66:13, 66:19, 66:20, 94:4</p> <p>waste [1] - 11:7</p>			<p>Zina [1] - 87:10</p> <p>Zina's [1] - 87:8</p> <p>Zirboni [1] - 50:10</p> <p>Zoo [7] - 91:11, 91:13, 91:15, 91:18, 93:7, 94:3, 94:4</p>
		X	
		XI [2] - 81:2, 82:1	
		Y	
		<p>year [10] - 36:15, 43:11, 84:12, 89:3, 92:23, 94:16, 95:21, 98:7, 99:7, 99:8</p> <p>years [9] - 36:9, 54:10, 83:6, 83:7, 83:8,</p>	