

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION	)	
OF CRUELTY TO ANIMALS, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civ. No. 03-2006 (EGS/JMF)
	)	
FELD ENTERTAINMENT, INC.,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFFS’ NOTICE OF FILING RESPONSE TO DEFENDANT’S  
CHART CONCERNING PLAINTIFF TOM RIDER**

Plaintiffs are filing the attached response to the chart that defendant Feld Entertainment, Inc. (“FEI”) filed on July 14, 2009. As demonstrated, although there was much flare to FEI’s counsel’s presentation of purported inconsistencies in Mr. Rider’s statements, in fact this is much ado about nothing. For the majority of the instances, there is no discrepancy at all in Mr. Rider’s statements; in all of the others, any discrepancy is extremely minor and of no relevance to any of the issues before the Court. On the other hand, the record overwhelmingly demonstrates that Mr. Rider’s accounts of what he witnessed while he worked at the Ringling Bros. circus are thoroughly corroborated by voluminous other evidence in the record, including FEI’s own witnesses and records. See Plaintiffs’ Objections to FEI Proposed Findings of Fact at 35-37.

Respectfully submitted,

/s/ Katherine A. Meyer  
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Date: July 21, 2009

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
1	The reason Rider left CBBB	Rider previously testified that he quit CBBB because of the beating an elephant named "Pete"	<p>Rider testified in his 2007 deposition that he decided to quit CBBB after speaking with Kenneth Feld in Woodbridge, Virginia, which was several days, if not a week, before the beating of the elephant named "Pete"</p> <p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. At the trial Mr. Rider affirmed that he finally quit his job with Clyde Beatty-Cole Brothers Circus ("CBCB") after he saw the beating of an elephant named Pete. At his 2007 deposition, when asked why he had listed Mr. Feld on his employment application for how he knew there was an opening, Mr. Rider explained that when he ran into Mr. Feld in Woodbridge, Va., Mr. Feld overheard him say that he was "tired" of what went on at CBCB and Mr. Feld suggested that he apply for a job at Ringling. At the trial, Mr. Rider confirmed that he had this conversation with Mr. Feld, and that it occurred "a few days, a week maybe" before the beating of Pete, which was when he finally quit CBCB and followed up on Mr. Feld's suggestion.</b></p>	<p>2-12-09 p.m. at 16:21-19:14; <i>id.</i> at 23:25 - 24:17;</p> <p>DX38</p> <p><b><u>2-12-09 p.m. at 16:21-19:14;</u></b></p>
2	Rider's military service	Rider testified at trial that he held the rank of "Specialist 4," and indicated the same on his FEI employment application (DX 38)	<p>Rider testified in his 2007 deposition that he never actually "received" the rank of Specialist 4th class; Rider reenlisted in the Army and was made a Specialist 4th class, but returned late from leave and was demoted to Private First Class, so he "never held the rank"</p> <p><b><u>IN FACT:</u></b>  <b>It is true that Mr. Rider was given the rank of "Specialist 4<sup>th</sup> class," albeit for a short period of time. Mr. Rider</b></p>	<p>2-12-09 p.m. at 21:6 - 23:3;</p> <p>DX38</p> <p><b><u>2-12-09 pm at 21:6-23:3</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
			<p>explained at his 2007 deposition as well as during his trial testimony that when he reenlisted in the army he “received” the rank of Specialist 4<sup>th</sup> class. Immediately after receiving this rank he went home for a 30-day leave, during which time he held the rank of Specialist 4<sup>th</sup> class. However, because he was late returning from his leave he was demoted back to a private.</p>	
3	<p>Rider’s representation on his employment application regarding the number of years he attended high school</p>	<p>Rider testified at trial that he completed four years of high school at Washington High School, and indicated the same on his FEI employment application (DX 38)</p>	<p>Rider admitted that he dropped out of high school in the tenth grade and later received a G.E.D., and that he did not go to Washington High School for four years</p> <p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. Mr. Rider did <u>not</u> testify at trial that he completed four years of high school “at” Washington High School. Rather, he testified that he attended Washington High School and that he later obtained a GED which is why he wrote down “4 years” on his employment application when specifically asked “no. of years” of high school that he had “completed.”</b></p>	<p>2-12-09 p.m. at 23:4-24;  DX38</p> <p><b><u>2-12-09 p.m. at 23:4-24</u></b></p>
4	<p>Whether Rider was equally emotionally attached to all of the Blue Unit elephants</p>	<p>Rider testified at trial that he was equally attached to all elephants on the Blue Unit, including the "English" elephants that were owned by Richard Chipperfield</p>	<p>Rider later admitted that he “was closer to the Chipperfield elephants;”</p> <p>Rider testified in his 2007 deposition that he “was really attached to” the Chipperfield elephants, and stated the same in a speech in Carbondale Illinois in 2002;</p> <p>Rider made a videotape in which he referred to the elephant Karen as a “bitch”</p>	<p>2-12-09 p.m. at 25:2-22; id. at 50:23-53:15;</p> <p>2-17-09 p.m. (12:50) at 55:1-56:20;</p> <p>DX 30B</p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
			<p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. Mr. Rider basically testified that he loved all of the elephants with whom he worked, but that because he worked most closely with the three "Chipperfield" elephants, and also accompanied them to Europe for 3 ½ months, he was "closer" to them.</b></p> <p><b>The fact that Mr. Rider playfully referred to Karen as a "bitch" does not undercut his credibility. He testified that when he said this to Karen – years after he had left the circus – he was reminiscing about a humorous time that Karen trapped in a bathroom in Boston.</b></p>	<p><b><u>2-12-09 p.m. at 25:2-22; id. at 50:23-53:15</u></b></p> <p><b><u>Pl. Obj. to FEI FOF ¶¶ 125</u></b></p>
5	Whether Rider had a conversation with an FEI veterinarian, Dr. West, regarding the elephant Susan	Rider testified at trial that he did not have a private or personal conversation with Dr. West regarding Susan's health	<p>Rider's 2004 response to Interrogatory No. 11 indicated that he requested that Dr. West and Graham Chipperfield come back to the unit to further examine Susan's health</p> <p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. Mr. Rider's 2004 response to Interrogatory No. 11 only represents that Tom "requested" the presence of Dr. West; it does not state that he had a personal conversation with him.</b></p>	<p>2-12-09 p.m. at 31:3-33:5</p> <p><b><u>2-12-09 p.m. at 31:3-33:5</u></b></p>
6	Whether Rider considered approaching Kenneth Feld regarding his concerns about the treatment of the	Rider testified at trial that it never occurred to him to approach Kenneth Feld when Mr. Feld was visiting the Blue Unit to voice his [Rider's] concerns	<p>Rider testified in his March 2000 PAWS "deposition" that one time when Kenneth Feld came to the Blue Unit he [Rider] "wanted to say 'Do you want to come and see your elephants?'"</p> <p><b><u>IN FACT:</u></b>  <b>Mr. Rider's testimony at his March 2000 PAWS deposition</b></p>	<p>2-12-09 p.m. at 34:10-36:11;</p> <p>PWC 184 at 84:7-85:4</p> <p><b><u>PWC 184 at 84:7-85:4</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
	elephants	about the treatment of the elephants	<b>regarding what he “wanted” to say to Kenneth Feld if he could have done so is very different than feeling that he could actually <u>tell</u> Mr. Feld that the handlers were beating the elephants, without getting fired.</b>	
7	Whether Rider's feeding of the elephant Karen before she was watered was considered to be insubordinate conduct	Rider testified at trial that he did not receive a written reprimand for insubordinate conduct for feeding the elephant Karen before she had been watered	Rider testified in his 2006 deposition that he received a written reprimand for insubordinate conduct for the Karen feeding incident (DX 41)  <b><u>IN FACT:</u></b> <b>This statement by FEI is not true. Mr. Rider has always testified that the particular incident where he inadvertently fed Karen before she had been watered resulted in a write-up for insubordination.</b>	2-12-09 p.m. at 40:22-41:9; <i>id.</i> at 41:24-43:2; DX41  <b><u>2-17-09 p.m. at 16:15-17:18, 19:12-20:04;</u></b> <b><u>2-12-09 p.m. at 3:23-4:08;</u></b>
8	The reason(s) for Rider's write-ups	Rider testified before the Nebraska Legislature that he had been written-up three times for complaining about animal abuse, and affirmed the same at trial	Rider received write-ups for missing one day of work, insubordination, and drunken and disorderly behavior (DX40-42)  <b><u>IN FACT:</u></b> <b>Mr. Rider has always been forthcoming about the three write-ups that he received while working for Ringling. He has consistently testified that “One was for -- pretty sure it was insubordination to a supervisor; the second one was for missing a day of work; and the last one was drunk and disorderly.” However, Mr. Rider also believes that he received these reprimands because he was constantly complaining to other employees about the treatment of the elephants, which is entirely consistent with the experiences of several other former employees who voiced similar concerns.</b>	2-12-09 p.m. at 43:24-45:6; DX40-42  <b><u>2-12-09 p.m. at 3:23-4:08;</u></b> <b><u>2-17-09 p.m. at 19:12-20:04;</u></b> <b><u>Plaintiffs' PFF ¶¶ 27-28</u></b>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
9	The reason Rider left the job with Daniel Raffo in Europe	Rider testified on direct examination at trial that he left the job with Mr. Raffo in Europe because of the euthanization of two tigers	<p>Rider's 2004 answer to Interrogatory No. 2 indicated that he quit the job with Mr. Raffo in Europe "because of the way Raffo and others who worked for the Chipperfields continued to mistreat the elephants</p> <p><b><u>IN FACT:</u></b>  <b>There is no inconsistency. Mr. Rider testified on direct examination that he left his employment with Daniel Raffo "because when I got over to Europe, it didn't change. It suddenly became -- I had to use -- they wanted me to use a bull hook, which I didn't want to use. . . . It became, you know, a constant, you know, he was . . . just always hooking those elephants, and I didn't want to put up with it anymore," which is entirely consistent with his 2004 Interrogatory responses. The needless euthanization of the two Chipperfield tigers was the "particular event" that cemented Tom's ultimate decision to quit. As Mr. Rider explained, "At that point I thought this is not going to happen. And the next day, it was Sunday, and I just thought, what am I going to do, this has to end, it just -- I can't -- I've got to do something to help these elephants."</b></p>	<p>2-12-09 p.m. at 53:19-54:22</p> <p><b><u>2-12-09 am at 70:24-74:02; Plaintiffs' PFF ¶¶ 35</u></b></p>
10	How Mr. Rider traveled to former lead plaintiff PAWS in Galt, California after returning to the United States from London	Rider testified at trial that he traveled by Greyhound bus	<p>Rider's 2007 answer to Interrogatory No. 13 indicates that PAWS paid for an airline ticket for Rider to travel to Galt, California (which Rider disavowed at trial)</p> <p><b><u>IN FACT:</u></b>  <b>There was no impeachment. Mr. Rider admitted that his 2007 Interrogatory responses mistakenly stated that he traveled to his PAWS deposition via airline, when in fact</b></p>	<p>2-12-09 p.m. at 60:4-62: 17 (Rider)</p> <p><b><u>2-17-09 pm at 47:18-48:23</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
			<p>he traveled via Greyhound bus. As explained during his re-direct examination, Mr. Rider cleared this up during his December 2007 deposition, and his 2008 Supplemental Interrogatory responses.</p>	
11	The filing of Rider's tax returns	<p>Rider testified at trial that he went to a tax lawyer and that <i>he</i> told that lawyer that he needed to file back taxes ("He didn't say file. I said I need to file my taxes when I realized that you don't - you have to pay taxes on grants.")</p>	<p>Rider testified at his 2007 deposition that he consulted with a tax lawyer, and that <i>the tax lawyer told him</i> to file his taxes ("So I consulted with a tax attorney who said, yes, file.")</p> <p><b><u>IN FACT:</u></b>  <b>Mr. Rider testified, at both his 2007 deposition and during the trial, that the impetus for consulting a tax attorney as to whether he needed to file taxes on his grants was Mr. Simpson's questioning regarding that subject matter at an earlier deposition. Upon realizing that he may have an obligation to pay taxes for the grant money he received, he went to a pro bono tax attorney and suggested that this might be necessary, and his lawyer agreed.</b></p>	<p>2-12-09 p.m. at 95:2-23</p> <p><b><u>2-12-09 p.m. at 95:2-23</u></b></p>
12	Whether Rider gave the elephants commands off of the chains while employed at FEI	<p>Rider testified at trial that "sometimes" when the elephants were off the chains he would give them commands</p>	<p>Rider testified at his 2007 deposition that he never handled elephants by himself at Ringling Bros. off the chains</p> <p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. During his trial testimony, Mr. Rider stated that he sometimes gave the elephants commands when they were off chains, but "usually not." This is entirely consistent with his 2007 deposition testimony that he did not handle the elephants "by himself" when they were off of their chains.</b></p>	<p>2-12-09 p.m. at 98:10-22</p> <p><b><u>2-12-09 p.m. at 97:17-99:25</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
13	How many times Rider handled a Bullhook	Rider testified before the Connecticut legislature that that hearing was only the second time in his life that he had held a bullhook, and affirmed that testimony at trial	<p>Rider admitted at trial that he used a bullhook when he worked for Mr. Raffo in Europe, and a picture 'of Mr. Rider, DX 32 at 2, shows Mr. DX 32 Rider using a bullhook on the elephant Meena on the stocks in South Carolina</p> <p><b><u>IN FACT:</u></b>  <b>There is no “impeachment.” It is true that when Mr. Rider testified before the Connecticut legislature that was only the second time he had held a bull hook – the only other time he had used a bull hook was during the three months that he worked for Mr. Raffo, who required him to carry a bull hook. Mr. Rider was making the point to the legislature that he did not use a bull hook when he worked at Ringling Bros. – a fact that has been corroborated by FEI’s own employee, Jeff Pettigrew. Mr. Raffo himself admitted that the photo of Mr. Rider was taken when he worked for Mr. Raffo, not when he worked for Ringling Bros.</b></p>	<p>2-12-09 p.m. at 100: 16-104:13</p> <p><b><u>Plaintiffs’ PFF ¶¶ 31-34;</u></b>  <b><u>Pls. Obj. to FEI FOF ¶¶ 68-70</u></b></p>
14	Whether verbal commands were given before the bullhook was used	At trial, Rider denied that handlers would use voice commands before using the bullhook	<p>Rider testified at his 2006 deposition that handlers would use the bull hook after an elephant failed to respond to a verbal command</p> <p><b><u>IN FACT:</u></b>  <b>Tom Rider never denied that handlers sometimes used voice commands prior to using the bullhook. The testimony defendant cites shows this;</b>  <b>“Q: ....isn't it true, Mr. Rider, that these handlers would not use this hook on the elephant unless the elephant first failed to respond to a voice command?</b>  <b>A: Not necessarily.”</b></p>	<p>2-12-09 p.m. at 109: 11-110: 10</p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
15	Whether it is appropriate for a bullhook to be used when an elephant does not respond to a verbal command and whether it is appropriate to use a bullhook as long as it does not cause the elephant physical pain	At trial, Rider denied that it was appropriate to use a bullhook after an elephant does not respond to a verbal command and denied that he thinks that a bullhook can be used on an elephant as long as it does not cause the elephant physical pain	<p>Rider testified at his 2006 deposition that it IS appropriate to use a bullhook after an elephant does not respond to a verbal command and that a bullhook can be used on elephant as long as it does not cause the elephant physical pain</p> <p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. Mr. Rider has consistently testified that it is a very rare case when a bullhook can be used appropriately in a manner that does not cause physical harm to the elephant. However, Mr. Rider testified at trial that Ringling Bros. handlers do <u>not</u> use the bullhook properly and that as a result it should not be used to reinforce commands.</b></p>	<p>2-12-09 p.m. at 110:11-112:5</p> <p><b><u>2-12-09 pm at 110:11-112:12</u></b></p>
16	Whether the elephant Zina had hook marks on her on more than one occasion	Rider testified at trial that there were hook marks on Zina after an alleged incident in Richmond, Virginia and that he treated those marks with Wonder Dust; Rider testified that this was not the only time that Zina had marks on her	<p>Rider stated in a June 28, 2000 interview that Zina was one of three elephants (Jewel, Zina and Mysore) that FEI showed to the USDA because she did not have hook marks on her</p> <p><b><u>IN FACT:</u></b>  <b>In his June 28, 2000 interview, Mr. Rider was explaining that when the USDA came to inspect the elephants they were usually taken to an elephant (like Jewel, Zina, or Mysore) that did not have hook marks and scarring to the extent of other elephants. He did not say that Zina “never” had hook marks on her. On the contrary, he testified at trial that “[a]ll the elephants had marks on them at one time or another.” Furthermore, Mr. Rider’s account of the beating of Zina in Richmond, VA is completely consistent with his 2000 USDA affidavit (PWC 20) where he recounts the same incident.</b></p>	<p>2-12-09 p.m. at 117:7-119:1</p> <p><b><u>2-12-09 p.m. at 117:7-119:1;</u></b>  <b><u>PWC 20 at 2 ¶8</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
17	Whether the six elephants at issue and Zina had scars behind their ears	Rider testified that some of those elephants had scars behind their ears	<p>Rider testified at his 2007 deposition that none of the six elephants at issue and Zina had scars behind their ears</p> <p><b><u>IN FACT:</u></b>  <b>This is no inconsistency. During his trial testimony, Mr. Rider was answering a specific question about whether certain elephants had “permanent marks” on them, and he explained that they all had marks that “came and went.” In his 2007 deposition, he was answering questions about which elephants had permanent “scars” behind their ears.</b></p>	<p>2-12-09 p.m. at 119:16-120:18</p> <p><b><u>2-12-09 p.m. at 119:16-120:18;</u></b></p>
18	Whether Rider does "media" work for a "living"	At trial, Rider denied that does media and outreach "work" for a living	<p>When asked "what do you do for a living" in his 2007 deposition, Rider testified that he "goes around the country speaking to the media, and to legislative branches of government, and states . . . about what [he] witnessed at Ringling"</p> <p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. At the trial, Mr. Rider was asked if he did media work for a living after several questions regarding his wages and income. By denying that he did his media work “for a living” Mr. Rider was simply emphasizing that he does not “have a paycheck for it, I'm not doing it for pay.” Mr. Rider has consistently told the Court and FEI that he spends his days traveling the country trying to educate the public, the media, and legislative bodies about the plight of the Ringling Bros. circus elephants, for which he receives modest funding to pay for his expenses.</b></p>	<p>2-17-09 p.m. (12:50) at 5:25-6:12</p> <p><b><u>2-12-09 a.m. at 85:16-93:09; Plaintiffs' PFF ¶¶ 43</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
19	Whether Rider kept documentation of the number of miles that he traveled in his Volkswagen van	Rider testified at trial that he has traveled more than 380,000 miles in his van and that he kept track of the mileage, which he claimed as a tax deduction, by relying on his odometer; Rider also testified that he had records to support his mileage deduction	<p>Rider admitted that his odometer was broke at the time of his 2007 deposition and that he has no documents supporting the amount of the mileage deduction taken on his income tax returns</p> <p><b><u>IN FACT:</u></b>  <b>Mr. Rider has repeatedly testified that he does not have, nor does he keep track of, his mileage in a written document. He explained that he based his tax deduction for mileage on the number of miles that had been recorded on his odometer, which was broken for a small window of time, but was then fixed.</b></p>	<p>2-17-09 p.m. (12:50) at 12:513:15</p> <p><b><u>2-17-09 p.m. (12:50) at 12:514:18</u></b></p>
20	Whether Rider has refrained from visiting or observing the six elephants at issue and Zina	Rider testified at trial that statements made in briefs filed with this Court and the Court of Appeals that he was refraining from visiting and working with the elephants to avoid further aesthetic and emotional injury were true when filed and were still true at the time of trial	<p>Since returning to the United States, Rider testified that he has voluntarily observed the Blue Unit elephants on many occasions (at least 10-15 times per year since November 1999); Rider described those observations in his answer to Interrogatory No. 17</p> <p><b><u>IN FACT:</u></b>  <b>There is no discrepancy. Mr. Rider has always explained that he cannot see the elephants “<u>without suffering more aesthetic and emotional injury.</u>” While he was refraining from visiting the elephants when he originally filed this case in 2000, shortly after he left the circus, in the years that have passed he has in fact seen them many times even though each time he does so, he suffers more aesthetic injury.</b></p>	<p>2-17-09 p.m. (12:50) at 18:8-24:7; DX 16</p> <p><b><u>2-17-09 p.m. (2:48 p.m.) at 56:25-57:23;</u></b>  <b><u>Plaintiffs’ PFF ¶¶ 46-47</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
21	How many hours per day the elephants are chained	Rider testified on direct examination that the elephants are chained essentially all of the time except for about one minute before the show and 30-40 minutes while they were in the show	<p>The 9-26-03 complaint alleges that the elephants were chained up to 20 hours per day;</p> <p>Rider testified in his 2006 deposition that the elephants were chained between 22 ½ -23 hours per day;</p> <p>Rider testified in his March 2000 PAWS deposition that the elephants are chained all but 13 minutes per day;</p> <p>Rider testified to the Chicago city counsel in February 2006 that the elephants are chained 24 hours per day</p> <p><b><u>IN FACT:</u></b>  <b>There are no inconsistencies. During his trial testimony, Mr. Rider was very clear that the number of hours the elephants are chained varies, which is why his testimony also varies; “Well, if they are on the train it could be 24 hours or longer. And in the beginning they were chained up only to take them in for the shows, when I was there, so, yes, those numbers can vary.” Mr. Rider has consistently testified that the elephants are chained for most of the day, depending on the situation -- testimony that is completely corroborated by the record in this case.</b></p>	<p>2-17-09 p.m. (12:50) at 31:2-33:8</p> <p><b><u>2-17-09 p.m. (12:50) at 31:2-33:8;</u></b>  <b><u>Plaintiffs’ PFF ¶¶ 222-267</u></b></p>
22	Whether elephants should ever be chained	Rider testified at trial that elephants should "never [be chained], except for veterinarian care"	<p>Rider testified at his 2006 deposition that there are <i>no</i> circumstances in which an elephant should be chained</p> <p><b><u>IN FACT:</u></b>  <b>During his trial testimony, Mr. Rider’s original response was that a circus elephant should never be chained, which</b></p>	<p>2-17-09 p.m. at. 48:21-49:19</p> <p><b><u>2-17-09 p.m. at 48:21-49:19</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
			<p>is completely consistent with the position he took in his 2006 deposition. However, after further questions by Mr. Simpson he testified that, "I don't think they should ever be chained, but obviously there are certain conditions where an elephant might have to be chained." This is not inconsistent with his prior deposition testimony.</p>	
23	Whether Rider ever touched the elephant Karen	Rider testified at trial that he recalled "one time when [he] was taken up and touched Karen"	<p>Rider testified in his March 2000 PAWS "deposition" that unlike the rest of the FEI elephants he "never physically put [his] hand" on Karen because "she [Karen] just didn't like me [Rider]"</p> <p><b><u>IN FACT:</u></b>  <b>Mr. Rider admitted during his trial testimony that he had forgotten about the one time that, at the direction of another employee, he touched Karen. As he explained, he did not normally handle or touch Karen, "it was one time when I was told to touch her." This is a minor inconsistency that has no bearing on Mr. Rider's credibility. Mr. Rider's testimony that Karen is a dangerous animal is completely corroborated by FEI's own employees.</b></p>	<p>2-17-09 p.m. (12:50) at 59: 1-60:2 (Rider);</p> <p>PWC 184 at 102:1-8</p> <p><b><u>Pls. Obj. to FEI FOF at 3-4</u></b></p>
24	Whether the USDA communicated the results of its investigation to Rider	Rider testified in his 2006 deposition that he never received a response from the USDA regarding the outcome of their investigation	<p>In a lecture in Carbondale, Illinois, Rider stated that the USDA did follow-up with him and told him that FEI had done nothing wrong</p> <p><b><u>IN FACT:</u></b>  <b>Mr. Rider has given information to the USDA on several different occasions. During this line of questioning at trial,</b></p>	<p>2-17-09 p.m. (12:50) at 76:4-16 (Rider)</p> <p><b><u>PWC 94 B at TR 203 at 56:15-56:50</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
			<p>Mr. Simpson was asking about video tapes taken by Mr. Rider and sent to the USDA, and Mr. Rider stated that he had not received a response from the USDA concerning the video tapes. During his lecture in Carbondale, Illinois, Tom was responding to a general question as to what excuse the USDA gives when deciding not to take any enforcement action against Ringling Brothers.</p>	
25	<p>Whether Rider was told that he could not be fired for complaining about elephant abuse</p>	<p>At trial, Rider denied that he was told by the union that he could not be fired for complaining about elephant abuse</p>	<p>Rider stated in a radio interview in August 2004 that he was told by the union that he could not be fired for complaining about the treatment of the elephants</p> <p><b><u>IN FACT:</u></b>  <b>The testimony provided by Mr. Rider shows that he was confused by the questions he was being asked. Mr. Simpson first asked Mr. Rider to confirm that he “took [his] concerns . . . to the union,” which Mr. Rider denied because he “never made a formal complaint to the union.” Even though Mr. Rider testified that he never filed a “formal complaint,” Mr. Simpson then tried to make Mr. Rider confirm that “in response to your complaint to the union, the union told you couldn’t be fired for complaining about animal abuse, isn’t that true?” However, because Mr. Rider again insisted that he “didn’t go in <u>and file a complaint,</u>” his answer to this particular question was “no.” Nothing Mr. Rider stated in the 2004 interview contradicts his trial testimony that he did not file a “formal complaint” with the union and hence was not told anything “in response” to any such complaint.</b></p>	<p>2-17-09 p.m. (2:48) at 71:9-72:16 (Rider)</p> <p><b><u>2-17-09 p.m. (2:48) at 69:24-70:05 - 72:16</u></b></p>

NO.	TOPIC	RIDER'S TESTIMONY	IMPEACHMENT	RECORD CITATION
26	The cause of marks on the elephants in Boston, Massachusetts	Rider testified that in Boston, Massachusetts, Jeff Steele was upset because there were hook marks on the elephants and there was "a lot of hooking going on"	<p>Rider testified in his March 2000 PAWS "deposition" that Jeff Steele got upset because the elephants had marks on them after the elephants head-butted each other ("When you see the big cuts, those are just from head butting. That's not a hook.")</p> <p><b><u>IN FACT:</u></b>  <b>Mr. Rider has consistently testified that Jeff Steele was particularly upset about seeing "hook marks" on the elephants in Boston, Massachusetts that could be seen by the public. The fact that the elephants were hit with bullhooks <u>after</u> a "head butting contest" does not mean that the "hook marks" that Rider testified he saw were <u>not</u> caused by bullhooks. FEI has taken Mr. Rider's quote completely out of context: "Sophie and Mini both had big hook marks on their trunk. These were cuts, gashes, that had to be covered up before the show. . . I know one of them was on Mini . . . She got in a head butting contest and got a big mark on the head. When you see the big cuts, those are just from head butting. That's not a hook. <u>Then you look down, on the top there is a big slice from a hook. That's when he [Steele] came out and told us off."</u></b></p>	<p>2-12-09 p.m. at 29:18-30:9 (Rider);</p> <p>2-17-09 p.m. (2:48) at 13:25-15: 10, <i>id.</i> at 72:17-73:7;</p> <p><b><u>PWC 184 at 66:9-68:4</u></b></p>