

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3
3

4 AMERICAN SOCIETY FOR THE :
4 PREVENTION OF CRUELTY TO :
5 ANIMALS, et al. : VOLUME I
5 :

6 Plaintiff :
6 :

7 vs. : Case No.
7 : 02-2006

8 FELD ENTERTAINMENT, INC. :
8 :

9 Defendant :
9

10 Washington, D.C.

10 Tuesday, December 18, 2007
11

11 Videotaped Deposition of:
12

13 TOM EUGENE RIDER

14 called for oral examination by counsel for
15 Defendant, pursuant to notice, at the offices
16 of Fulbright & Jaworski, LLP, 801 Pennsylvania
17 Avenue, N.W., Washington, D.C. 20004, before
18 Lori Buckner, RPR, CRR, a Notary Public in and
19 for the District of Columbia, beginning at
20 9:37 A.M., when were present on behalf of the
21 respective parties:
22

1
 2 On behalf of the Plaintiff:
 3 BY: KATHERINE ANNE MEYER, ESQ.
 3 TANYA SANERIB, ESQ.
 4 Meyer Glitzenstein & Crystal
 4 1601 Connecticut Avenue, N.W.
 5 Suite 700
 5 Washington, D.C. 20009-1056
 6 (202)588-5206
 6
 7 On behalf of Defendant Feld Entertainment,
 7 Inc.:
 8
 8 BY: JOHN M. SIMPSON, ESQ.
 9 KARA PETTEWAY, ESQ.
 9 Fulbright & Jaworski, LLP,
 10 801 Pennsylvania Avenue, N.W.
 10 Washington, D.C. 20004
 11 (202)662-0200
 11
 12 and
 13 BY: JULIE ALEXA STRAUSS, ESQ.
 13 Feld Entertainment
 14 8607 Westwood Center Drive
 14 Vienna, Virginia 22182
 15 (703)448-4065
 15
 16
 16
 17
 18 Also Present: Kenyan C. Hopchas, Videographer
 18
 19 + + +
 20
 21
 22

1 EXHIBITS (Continued)
 2 DEPOSITION NO. MARKED FOR IDENTIFICATION
 3
 3 7 California Resident Income 250
 4 Tax Return, 2002, Tom Rider
 4 (TR 00578 - 00580)
 5
 5 8 Illinois Department of 252
 6 Revenue, 2003 form IL-1040,
 6 Tom Rider (TR 00588 - 00591)
 7
 7 9 Illinois Department of 255
 8 Revenue, 2004 Form IL-1040,
 8 Tom Rider (TR 00597 - 00600)
 9
 9 10 Complaint for Declaratory 264
 10 and Injunctive Relief, Case
 10 Number 1:00CV01641, PAWS,
 11 et al. -v- Ringling Brothers,
 11 et al (pages 1 - 27)
 12
 12 11 Second Amended Complaint for 317
 13 Declaratory and Injunctive
 13 Relief, Civ. No. 00-1641,
 14 ASPCA, et al. -v- Ringling
 14 Brothers, et al. (pages 1 - 21)
 15
 15 12 Complaint for Declaratory 325
 16 and Injunctive Relief, Case
 16 Number 1:03CV02006, ASPCA,
 17 et al. -v- Ringling Brothers,
 17 et al (pages 1 - 22)
 18
 18 13 Objections and Responses 320
 19 to Defendants' First Set of
 19 Interrogatories to
 20 Plaintiff Tom Rider,
 20 Civ.No.03-02006, ASPCA,
 21 et al. -v- Ringling
 21 Brothers, et al.
 22 (pages 1 - 40, and page 43)
 22

1
 2 WITNESS: TOM EUGENE RIDER
 2
 3 EXAMINATION BY: PAGE:
 4 MR. SIMPSON 8
 5
 6 EXHIBITS (Attached)
 7 DEPOSITION NO. MARKED FOR IDENTIFICATION
 8 1 Information Releasable 26
 8 Under the Freedom of
 9 Information Act, Tom
 9 Eugene Rider (2 pages)
 10
 10 2 Application of Employment, 86
 11 June 3, 1997
 11 (FELD 00048268 - 00048287)
 12
 12 3 Copyright 2000 MGN Ltd., 140
 13 The Mirror, March 20,
 13 Monday (pages 2 - 5)
 14
 14 4 Virginia Tax Return, 2000, 242
 15 Part-Year Resident, Tom
 15 Rider (TR 00551 - 00556)
 16
 16 5 California Nonresident or 245
 17 Part-Year Resident Income
 17 Tax Return, 2000, Tom Rider
 18 (TR 00557 - 00564)
 18
 18 6 California Resident Income 248
 19 Tax Return, 2001, Tom
 19 Rider (TR 00570 - 00571)
 20
 20
 21
 22

1 VIDEOTAPES USED IN THIS DEPOSITION
 2 TAPE # PAGE STARTED
 3 1 6
 4 2 106
 5 3 197
 6 4 312
 7 * * *
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
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Page 74

1 you know, I would have done media if there was
2 any, but --

3 Q. And in connection with that trip
4 to New York is when you went to see Clyde
5 Beatty Cole Brothers' elephants?

6 A. Yes, sir.

7 Q. Was it the same group of animals,
8 or a different group?

9 A. I couldn't tell you, sir.

10 MS. MEYER: I'm sorry, when you
11 say "same group," the same group that he
12 worked with?

13 MR. SIMPSON: Yes.

14 THE WITNESS: I'm not sure.

15 BY MR. SIMPSON:

16 Q. Do you have a video camera?

17 A. Yes, sir.

18 Q. Have you ever loaned that video
19 camera to someone to make a tape of Clyde
20 Beatty Cole Brothers' elephants?

21 A. Yes. I believe I -- yes, sir.

22 Q. Who was that?

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1 A. He was -- loved animals, and he
2 went...

3 Q. Is that what he told you?

4 A. Yes, sir.

5 Q. He wasn't -- he wasn't making it
6 for purposes of a case, or a lawsuit?

7 A. Not to my knowledge.

8 Q. Was the tape made for purposes of
9 this lawsuit?

10 A. No, sir.

11 Q. Have you viewed that tape?

12 A. I might have saw a couple minutes
13 of it, but he's -- there was a -- I remember
14 seeing a red fence.

15 Q. Was John making this tape with his
16 family present?

17 A. I don't remember.

18 Q. Did he have any children with him?

19 A. No, sir.

20 Q. Where is John from?

21 A. I believe New York.

22 Q. Does he have a New York accent?

Page 75

1 A. I'm not -- I'm not sure of the
2 name. It was -- John rings a bell, but I
3 don't know his last name.

4 Q. Why did you loan your camera to
5 John?

6 A. He wanted -- he didn't have his,
7 and he wanted to film the elephants up close.
8 So he went up there. I did not proceed to go
9 up by the elephants. I was quite a ways back.

10 Q. So you were with John when he made
11 the tape?

12 A. He went up and made a tape.

13 Q. And where was this tape made?

14 A. Out in Queens.

15 Q. It was the same --

16 A. Yeah.

17 Q. The same visit to the elephants --

18 A. Yeah.

19 Q. -- you've previously described.

20 A. Yes, sir.

21 Q. Okay. And what was the purpose of
22 John's making the tape?

Page 77

1 A. I don't know. Basically, what's
2 a --

3 Q. Does it sound to you like he's got
4 a New York accent?

5 A. Not really, huh-uh. Not a deep
6 New York accent, no.

7 Q. How long did you work for Clyde
8 Beatty Cole Brothers?

9 A. Four months -- let's see, April,
10 May, June, 90 days, maybe? I quit sometime in
11 May.

12 Q. Of 1997?

13 A. No, 199 -- '96. Wait a minute,
14 no. Hang on, whoa. I -- yeah, 1996, just
15 before I started Ringling.

16 Q. Why did you quit the job at Cole
17 Brothers?

18 A. I saw them take Petunia -- her --
19 they called her Pea. Her real name -- it was
20 -- her name was Petunia. We had a
21 performance, and they took her down to the
22 arena because she was going too slow during

20 (Pages 74 to 77)

Page 78

1 the act, and they took her down there, they
2 told the rest of us, don't come down to the
3 arena, and I walked down there -- or to the
4 tent. I walked down to the tent, saw five
5 people sitting there beating on her when she
6 was on the ground, and I left the next day.

7 Q. All right. Who were the five
8 people beating on her?

9 A. I know there was a Mike, and, I --
10 I can't remember the rest. I don't know who
11 they are.

12 Q. Were they animal -- well, who --
13 well, what was their -- what were their jobs?

14 A. They were animal -- they were
15 performers, and a couple of them were --
16 performer/handlers -- so, you have to put that
17 together. They weren't just -- just
18 performers.

19 Q. You say Pea was on the ground.
20 What do you mean by that?

21 A. They laid her down.

22 Q. So she was laying on her side?

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1 Q. And how long was your peek?

2 A. About ten, fifteen seconds at the
3 most.

4 Q. All right. And during that ten to
5 fifteen seconds, what did you see?

6 A. I saw them using their bull hooks
7 to hit Petunia.

8 Q. Well, what were they doing?

9 A. Hitting her on top of the back and
10 jabbing her in the rear, and I left, turned
11 around and walked away.

12 Q. And what were -- what was the
13 elephant doing?

14 A. Just laying there, making a few
15 little sounds, but, just laying there.

16 Q. Did the elephant bleed?

17 A. No -- I have no idea.

18 Q. You didn't see any blood?

19 A. No, sir.

20 Q. How many stripes do you think you
21 witnessed, from these people?

22 A. Oh, six, eight.

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1 A. No, she was kind of straight down.

2 Q. So she was upright, but her legs
3 were out, her front legs were out and she was
4 on her rear knees?

5 A. Basically.

6 Q. And -- and how long was she in
7 that position?

8 A. I don't know how long she was in
9 that position. I only saw a couple seconds of
10 it, and -- about five, ten seconds, and I just
11 -- that was it for me. I can't take stuff
12 like that.

13 Q. All right. Well, you were -- you
14 were -- you walked down to the -- you walked
15 to the tent; is that correct?

16 A. Yes, sir.

17 Q. And where were you when you viewed
18 this incident?

19 A. I just pulled one of the flaps
20 open.

21 Q. And peeked in?

22 A. Yeah.

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1 Q. Did you discuss this incident with
2 anyone?

3 A. No, sir.

4 Q. You say you turned around and
5 left; is that correct?

6 A. I went back to my bunk and went to
7 sleep.

8 Q. And then what happened?

9 A. Woke up the next morning, grabbed
10 my bags, left.

11 Q. Did you have any discussions or
12 conversations with anyone before you left?

13 A. No, sir.

14 Q. Did -- did they owe you any money?

15 A. No. None that I was -- I think --
16 no, I don't believe so.

17 Q. So you just left the job the next
18 day without talking to anyone?

19 A. Right.

20 Q. And when you did this, where was
21 this located?

22 A. White Plains, New York, at some

21 (Pages 78 to 81)

Page 86

1 Q. All right. At that point with
2 Sykes, did you fill out any paperwork?

3 A. No, sir.

4 Q. There came a point when you filled
5 out an employment application; is that
6 correct?

7 A. Yes, sir.

8 Q. When did you do that?

9 A. That would have been the -- the
10 next Tuesday. The date I'm not -- I don't
11 know. It would have been June 3rd, yeah, do
12 know, June 3rd. It would have been '97, not
13 '96.

14 THE REPORTER: This will be
15 Exhibit 2, Defendant's Exhibit 2.

16 (Document referred to marked
17 Deposition Exhibit No. 2 for identification
18 and subsequently attached to the deposition.)

19 BY MR. SIMPSON:

20 Q. I think that I've already showed
21 you this probably in the other version of your
22 deposition, sir.

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1 and this gentleman pulled up in a -- it was
2 two gentlemen pulled up, and the one gentleman
3 I -- I remember he had glasses, and he goes,
4 is Johnny Pew here? And -- oh, excuse me,
5 just before I was -- me and my friend were
6 walking down, and I was looking at my friend,
7 I was probably maybe 20 feet away from this
8 gentleman, and I'm going -- I'm tired of this
9 -- I don't want to -- I don't like to use the
10 word, but I was tired of this shit, I'm going
11 to Ringling.

12 And the guy -- this gentleman
13 comes up with me, and he goes, is Johnny Pew
14 here, and I said, no, sir, he just left. I
15 said, can I tell him, you know, who's calling?
16 And he says, Kenneth Feld, I'll get back with
17 him. I said, oh, the Ringling Brothers? And
18 he goes, yeah, I heard what you said, you'd
19 have to go to a unit. And that is why I'd
20 say, I heard it from Kenneth Feld.

21 Q. At the time you were interacting
22 with this person who identified himself as

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1 But do you recognize this as the
2 employment application you filled out --

3 A. Yes, sir.

4 Q. -- and signed on or about June
5 3rd, 1997 --

6 A. Yes, sir.

7 Q. -- is that correct?

8 A. Yes, sir.

9 Q. There's a question at the bottom,
10 "How did you" -- on page 1, "How did you hear
11 about us," and you state "other," and state,
12 "Kenneth Feld." What do you mean by that?

13 A. That -- I was in -- well, I was
14 working with Clyde Beatty, and we were in --
15 it's right here, I want to say, Woodridge,
16 that's out here in -- Woodbridge? Is that
17 Woodbridge, Virginia? It's right across -- I
18 -- I might be wrong on the town, but -- we
19 were there, and I was down -- I was pushing my
20 wheelbarrow, which had a bunch of elephant
21 dung in it, and I was heading down to dump it.
22 And then I dumped it and I went to clean up,

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1 Kenneth Feld, you knew that Kenneth Feld owned
2 the Ringling Brothers?

3 A. No, sir. I -- well, I had heard
4 -- I had heard -- I -- I won't even -- I will
5 not say 100 percent that it was Kenneth Feld,
6 because I had seen Kenneth Feld when I worked
7 for the circus, and, it -- you know, it wasn't
8 -- the Kenneth Feld I saw in a suit I did not
9 see that day. So, I'm just assuming that
10 nobody was lying to me.

11 Q. And you indicated that you told
12 this person you were tired of this S-H-I-T;
13 correct?

14 A. Yes.

15 Q. And he indicated --

16 A. That wasn't -- not --

17 Q. -- it would be better with
18 Ringling Brothers; is that --

19 A. No, that wasn't -- that was my
20 friend that I worked with. It wasn't this
21 Kenneth Feld. I just said I wanted -- I was
22 going to go to Ringling. Just -- I grew up

23 (Pages 86 to 89)

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1 watching Ringling, you know, it was -- you
 2 know, a national -- a national name.
 3 Everybody knows Ringling.
 4 Q. When you were speaking with Sykes
 5 about the job at Ringling Brothers, what did
 6 he tell you your -- your job duties would be?
 7 A. I asked him to work for the
 8 elephants. He said, we'll see. And then I
 9 had to come back on Tuesday.
 10 Q. And on Tuesday, what jobs were --
 11 what job were you assigned?
 12 A. I was -- I was assigned elephant
 13 crew.
 14 Q. All right. And this was in or
 15 about June of 1997; is that correct?
 16 A. This was June 3rd, yes, sir.
 17 Q. And you worked for Ringling
 18 Brothers Circus for how long?
 19 A. Till November 25th, 1999.
 20 Q. All right. At what point in that
 21 timeframe did you decide to leave that job?
 22 A. I decided to leave when I knew

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1 a vacancy. And at that point, I started
 2 thinking about it.
 3 Q. So you think maybe sometime in
 4 June of 1999, that this opportunity arose for
 5 you?
 6 A. I'm saying probably later -- I'm
 7 going to say more like August. Now, give me
 8 one second. Let me think. I can tell you.
 9 We were in Kansas City, and -- okay, it had to
 10 be -- take that back, it was more towards
 11 October when I really knew that that was
 12 happening. So we heard about it in August,
 13 and in October is when -- in Kansas City is
 14 when it became sort of a probability, more of
 15 a possibility for me to go than it was in the
 16 beginning.
 17 Q. And when was the first time you
 18 discussed this opportunity with Daniel Raffo?
 19 A. It would have been -- a little bit
 20 -- maybe a couple weeks before Kansas City.
 21 Q. And what did he say?
 22 A. We'll see.

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1 there was an opportunity to go to Europe. I
 2 could not stand the way the animals were being
 3 treated, and found that I had a chance to go
 4 to Europe and be with the three elephants that
 5 I was really attached to. They were leaving
 6 the show, Lechamee, Meena, and Kamala.
 7 So a week and a half before -- oh,
 8 two weeks, two and a half weeks before -- once
 9 Daniel Raffo found out that I could be -- that
 10 I could go with him, at that point I knew I
 11 was leaving Ringling.
 12 Q. What point in your employment with
 13 Ringling did you determine that this European
 14 opportunity was available?
 15 A. Oh, that was -- it started out
 16 just being like -- kind of like maybe six
 17 months before, people started talking about,
 18 hey, you know, they're going -- those
 19 elephants -- towards the end of the tour --
 20 let me -- towards the end of the '99 tour,
 21 those elephants would be leaving and going to
 22 Europe. And I knew that there was going to be

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1 Q. Did you ask him about it, or did
 2 he bring it up with you?
 3 A. I asked him.
 4 Q. Because you wanted to take the
 5 job?
 6 A. I -- yes.
 7 Q. You were interested in taking the
 8 job and going to Europe?
 9 A. I would -- I wanted to be with
 10 those three elephants, yes.
 11 Q. And what did Raffo tell you --
 12 A. He --
 13 Q. -- when you asked him about this
 14 job?
 15 A. He said, we'll see.
 16 Q. All right. Did there come a point
 17 in time when you actually were offered the
 18 position?
 19 A. Yes, sir.
 20 Q. When was that?
 21 A. About -- about two weeks -- it was
 22 in November. It was only a couple weeks

24 (Pages 90 to 93)

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1 before we left.
 2 Q. And who offered you the position?
 3 A. Daniel Raffo.
 4 Q. Were -- were -- were the -- what
 5 did he tell you the position would involve?
 6 A. Everything and anything to do with
 7 -- except for performing. And I had to take
 8 care of the animals. I was supposed to take
 9 care of the elephant -- be -- be my barn man,
 10 just like I was before, with a lot more
 11 responsibilities, that I didn't have at
 12 Ringling. So...
 13 Q. All right. What additional
 14 responsibilities were you to have with Daniel
 15 Raffo?
 16 A. More of -- excuse me. Other than
 17 me and Daniel, there was nobody in the
 18 beginning, just me and him, for the elephants,
 19 and there were some tigers, but we stayed with
 20 the elephants. I was basically it. I had to
 21 clean up, feed 'em, water 'em, basically check
 22 on them at night. Well, not -- I mean, they

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1 were my re -- they were there. They were my
 2 responsibility, basically. I mean, they were
 3 his responsibility, but my responsibility to
 4 oversee them all day if I had to, whatever it
 5 took.
 6 Q. Who -- who -- when you were
 7 offered this job, who did you understand your
 8 employer would be?
 9 A. Daniel Raffo.
 10 Q. Is he the person who ultimately
 11 paid your salary?
 12 A. Yes, sir.
 13 Q. And was there a person named
 14 Chipperfield involved with this elephant act
 15 in Europe?
 16 A. Yes, sir, they --
 17 Q. All right. What was -- and who --
 18 which Chipperfield was it?
 19 A. Richard -- oh, I'm just --
 20 Richard, quote, Dicky Chipperfield, because
 21 there's two Richard Chipperfields.
 22 Q. And -- and Dicky Chipperfield is

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1 -- is who? The father of the Richard
 2 Chipperfield who was with the Blue Unit when
 3 you were there?
 4 A. Yes, sir.
 5 Q. What was your understanding as to
 6 Dicky Chipperfield's role in this English
 7 elephant act?
 8 A. He owned the elephants. Daniel
 9 Raffo was in charge of them. And I worked for
 10 Daniel Raffo.
 11 Q. Did Dicky Chipperfield have any
 12 involvement in presenting the elephants in
 13 performances?
 14 A. No, sir.
 15 Q. Did he have any role in handling
 16 the animals in terms of taking care of them?
 17 A. No, sir, he... no, sir.
 18 Q. How much did the -- did the job at
 19 Raffo pay?
 20 A. \$200 a week.
 21 Q. How long did that job last?
 22 A. December, January... end of

Page 97

1 February, beginning of March. I'm not too
 2 sure of the exact date. I would have to -- if
 3 you give -- can I give you the exact date?
 4 Q. Do you know the exact date?
 5 A. I could look. I could give you
 6 the exact date. (Searching) 21 June.
 7 Q. Of what year?
 8 A. 2000.
 9 Q. And --
 10 A. No, wait, sorry, excuse me, that
 11 was going -- sorry, not 21 June -- wait a
 12 minute. It was -- had to be January. I
 13 didn't have the date. I don't know the exact
 14 date. I thought I had the exact date, but I
 15 don't. So it would have been around -- end of
 16 January.
 17 Q. Of 2000.
 18 A. Of 2000, yes, sir.
 19 Q. When you just pulled something out
 20 of your wallet to refresh your recollection,
 21 what did you look at?
 22 A. I was just looking at my passport.

25 (Pages 94 to 97)

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1 Q. All right. And that did not
2 refresh your recollection, or did?
3 A. No. Huh-uh. I thought -- I
4 thought it would, but it didn't.
5 Q. When you left Ringling Brothers --
6 A. Yes, sir.
7 Q. -- in November of 1999 --
8 A. Yes, sir.
9 Q. -- did you have any conversations
10 with any employee of Ringling Brothers on the
11 way out?
12 A. Yes, sir.
13 Q. All right. Could you describe
14 those for me?
15 A. Goodbye.
16 Q. Well, who -- let's -- first of
17 all, who did you have discussions with as you
18 were leaving the company?
19 A. Well, I said goodbye to Jeff
20 Steele. I said goodbye to Randy Peterson. I
21 said to...everybody in the crew. I mean, I --
22 just like anybody would. Bye guys, we're

Page 99

1 going.
2 Q. In your discussions with Steele,
3 what did you say?
4 A. I said goodbye, and thank you,
5 bye.
6 Q. Did you say anything else?
7 A. Not that I -- I don't remember
8 anything else.
9 Q. Did you -- did you raise any
10 issues with him about how the elephants were
11 treated?
12 A. No, sir. I'd done that before.
13 Q. With Jeff Steele?
14 A. No, sir.
15 Q. But you didn't raise it in this
16 conversation, either, did you?
17 A. No, sir.
18 Q. Now, with respect to your
19 conversation with Peterson, what did you tell
20 him?
21 A. Goodbye, see you later.
22 Q. Did you raise anything else with

Page 100

1 him?
2 A. No, sir.
3 Q. All right. Who else did you have
4 conversations with as you were leaving the
5 company?
6 A. I -- I don't remember all their
7 names, it was --
8 Q. Do you remember any of the names?
9 A. Oh, let's see who was there. Oh
10 -- wow, let me think... no, I can't remember
11 any of their names. It was all the animal
12 crew.
13 Q. Do you remember who the animal
14 crew was at that time?
15 A. Oh, I said goodbye to Filly. That
16 was Robert Curry. I said goodbye to him.
17 I can't -- I can't remember who
18 took the day shift. I'm sorry, I... if I can
19 think of any, I would be more than happy to
20 tell you, but --
21 Q. All right. While you've got
22 Exhibit 2 in front of you, sir, let me refer

Page 101

1 you to "education." It states there, that you
2 attended Washington High School, Washington
3 Illinois; is that true?
4 A. Uh-huh.
5 Q. Is that the name of the high
6 school?
7 A. Yes, sir.
8 Q. And it states that you completed
9 four years; is that true?
10 A. No, sir. That was from --
11 Q. It states that you graduated --
12 "yes." You checked the box "yes; is that
13 correct?
14 A. Right, yes, sir.
15 Q. And that's based on you getting a
16 GED?
17 A. Yes, sir.
18 Q. All right. If we could turn your
19 attention to the time in which you were
20 employed by Daniel Raffo. You left the United
21 States and went to Europe; is that correct?
22 A. Yes, sir.

26 (Pages 98 to 101)

1 (END OF VIDEOTAPE NUMBER 1)
 2 (RECESS TAKEN FROM 11:07 TO 11:12
 3 P.M.)
 4 (BEGINNING OF VIDEOTAPE NUMBER 2)
 5 THE VIDEOGRAPHER: The time is
 6 11:12 A.M. We are back on the record in the
 7 continuing videotaped deposition of Tom Eugene
 8 Rider, beginning tape number 2.
 9 BY MR. SIMPSON:
 10 Q. Mr. Rider, in addition to the
 11 situation you described with the bull hook
 12 with Mr. Raffo, and the bamboo stick and the
 13 tigers, were there any other difficulties that
 14 you had with him in performing your job?
 15 A. No, sir, not with him.
 16 Q. Did you have any -- any
 17 difficulties with anyone else while you were
 18 hired in performing this job for Mr. Raffo in
 19 Europe?
 20 A. His wife.
 21 Q. Mr. Raffo's wife?
 22 A. Yeah.

1 Q. What were your difficulties with
 2 her?
 3 A. Same thing, forcing me to have a
 4 bull hook when I didn't want to.
 5 Q. Was her -- describe the situation
 6 that involved her and the bull hook. Was that
 7 different than the other one, or was it a --
 8 was it the same incident?
 9 A. Basically the same incidence, and
 10 one other incidence.
 11 Q. What was the other incidence?
 12 A. They came in to -- in Europe they
 13 can go back and take pictures of the animals,
 14 and she always wanted me to make sure that,
 15 you know, I had my bull hook, and you know,
 16 she'd get mad if I didn't, and -- because I
 17 didn't want to stand there with people taking
 18 pictures, you know.
 19 Q. These were customers taking
 20 pictures? Is that who --
 21 A. Yes.
 22 Q. -- you are referring to?

1 A. Yes. Just -- like an open -- open
 2 tent, and they can shoot all they want.
 3 That's the way they do it in Europe.
 4 Q. Do you know whether you were ever
 5 photographed with the bull hook in your hand,
 6 by any of these customers?
 7 A. Probably.
 8 Q. Well, did you comply with her
 9 direction to -- to stand there with the bull
 10 hook, or not?
 11 A. Very little.
 12 Q. But there were occasions when you
 13 did; is that correct?
 14 A. Uh-huh. And she was there.
 15 Q. And you need to say "yes" --
 16 A. Oh, yes. I'm sorry. I'm sorry
 17 about that. I was shaking my head.
 18 Q. We do have a video, but we also
 19 have a written transcript.
 20 A. I know, I'm sorry.
 21 Q. All right, that's fine. The
 22 elephants that you were with, when you worked

1 for Mr. Raffo, were Lechamee, Meena, and
 2 Kamala; is that true?
 3 A. Kamala.
 4 Q. Kamala. And these same three
 5 elephants had been involved in the performance
 6 with the Blue Unit tour that you were with
 7 when you worked with Ringling Brothers;
 8 correct?
 9 A. Yes, sir.
 10 Q. And when they -- when these
 11 elephants were on the Blue Unit, they were
 12 presented by Mr. Raffo; is that correct?
 13 A. No, sir.
 14 Q. Did he have any role in handling
 15 any of these elephants when he was with the
 16 Blue Unit?
 17 A. I'm not sure of his role, but he
 18 was -- he was around -- he took over the cat
 19 act -- he took over the cat act. So prior to
 20 that, I don't remember him performing, but I
 21 do remember that he was with the animal crew.
 22 Q. Did -- when -- when you were with

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1 the Blue Unit --
 2 A. Yes.
 3 Q. -- and Mr. Raffo was with the Blue
 4 Unit, did you ever see Mr. Raffo mistreat an
 5 elephant?
 6 A. Yes, sir.
 7 Q. Describe for me what you saw?
 8 A. Excessive use of the bull hook,
 9 hooking and poking 'em, and grabbing 'em
 10 behind the ears to make 'em lay down. If they
 11 weren't going fast enough, hit 'em behind the
 12 legs, yeah, the same as everybody there.
 13 Q. And when did you see this?
 14 A. On a daily basis, all the time.
 15 Q. Well --
 16 A. Any --
 17 Q. Timeframe-wise, when did --
 18 A. Timeframe, from June 3rd, 1997,
 19 until November 25th, 1999.
 20 Q. So you saw him do what you just
 21 said every day during that timeframe?
 22 A. If he was with the elephants, yes.

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1 hard, and that's excessive use of a bull hook
 2 to me.
 3 Q. What else did he do that was
 4 excessive hooking?
 5 A. Behind the ears to make him lay
 6 down.
 7 Q. What else?
 8 A. Hitting him on the backs; on the
 9 back of the legs.
 10 Q. All right. What else?
 11 A. Hooking and hitting, that's about
 12 it. All the hooking, hitting, you know,
 13 hitting him on the front legs, stabbing him
 14 with the bull hook --
 15 Q. Well, we're --
 16 A. -- in the butt.
 17 Q. -- the question is about excessive
 18 hooking.
 19 A. Uh-huh.
 20 Q. All right. And you indicated
 21 pulling the legs, back of the ears and on the
 22 elephants' backs --

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1 Q. Well, how often during that
 2 timeframe was he with the elephants that you
 3 observed?
 4 A. That's a lot of time. Let's see,
 5 when we were in -- the first -- from June till
 6 -- I'm not sure, I've got to think, I'm not
 7 sure that Raffo was there. I'm going to --
 8 let me -- let me put it from the time of
 9 winter quarters '97, is when I'm sure Raffo
 10 was there from then. Prior to that, I -- I
 11 don't -- I can't remember Raffo being there.
 12 He may have been, but I -- I want to go on
 13 record saying that from the point of '97,
 14 winter quarters on, that he would be with --
 15 sometimes with the elephants, sometimes with
 16 the tigers.
 17 Q. Well, when you say he was involved
 18 with -- or did excessive hooking, what do you
 19 mean?
 20 A. Uh, if an elephant, say, it
 21 wouldn't move fast enough, and so instead of
 22 just guiding him, he'd start hooking it real

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1 A. Yes.
 2 Q. -- is that correct?
 3 A. Yes. When they lay them down and
 4 hook them at the top.
 5 Q. Any other -- any other instance of
 6 excessive hooking by Mr. Raffo?
 7 A. Other instance? Yes. I mean --
 8 Q. Describe those for me, sir.
 9 A. The same as the prior. It's like,
 10 all the time, and it's not just Raffo.
 11 Q. Well, the question's about Raffo.
 12 A. Okay. Yes.
 13 Q. Do you have anything else you can
 14 identify in -- in the way of instances of
 15 excessive hooking?
 16 A. No.
 17 Q. Which elephants did he excessively
 18 hook?
 19 A. Any one that he was with.
 20 Q. Well, identify all the ones that
 21 he excessively hooked.
 22 A. Meena, Kamala, Lechamee, Zina,

29 (Pages 110 to 113)

1 Susan, Lutsi, Jewel, Rebecca, Sophie, Karen,
 2 Mysore, Mini, Nicole.
 3 MR. SIMPSON: Okay. Could you
 4 read that answer back, please.
 5 THE WITNESS: Yes, please.
 6 (REPORTER READ FROM THE RECORD AS
 7 FOLLOWS:)
 8 THE REPORTER: "Meena, Kamala,
 9 Lechamee, Zina?
 10 THE WITNESS: Zina.
 11 THE REPORTER: "Zina, Susan,
 12 Lutzi, Jewel, Rebecca.
 13 MR. SIMPSON: Okay, go ahead.
 14 THE REPORTER: "Sophie, Karen,
 15 Mysore, Mini, Nicole."
 16 BY MR. SIMPSON:
 17 Q. All right. Do you remember when
 18 it was that this happened with respect to
 19 Zina?
 20 A. Not the date, no.
 21 Q. You can't give me a date?
 22 A. From somewhere between '9 -- you

1 know, the time when -- '97 to '99.
 2 Q. Do you remember what -- whether
 3 this activity caused Zina to bleed?
 4 A. No.
 5 Q. Do you remember a date in which --
 6 involved an excessive hooking of Jewel?
 7 A. Same. It might have -- it's --
 8 it's every day.
 9 Q. Can you give me a date and time,
 10 sir --
 11 A. Sure.
 12 Q. -- when you saw this happen?
 13 A. '9 -- '97, '98, '99.
 14 Q. Can you give me a specific day of
 15 the timeframe in which you saw Daniel Raffo
 16 excessively hook the elephant Jewel?
 17 A. No. I mean, I'm not going to sit
 18 here and just pick a date. No, I can't give
 19 you an exact date.
 20 Q. Did you observe Daniel Raffo in
 21 any way cause Jewel to bleed?
 22 A. Not that I remember.

1 Q. Can you give me a specific example
 2 in which Daniel Raffo excessively hooked the
 3 elephant Rebecca?
 4 A. Yes. And -- and this was in
 5 winter quarters. Rebecca was acting up one
 6 day. And yeah, he went down, and he hooked
 7 her on the -- the trunk and made her lay down.
 8 And that was -- it was winter quarters. I
 9 don't know the exact date.
 10 Q. Winter quarters in Tampa, Florida?
 11 A. Tampa.
 12 Q. Where did Mr. Raffo hook this
 13 elephant? Where on the trunk?
 14 A. Well, he kind of hooked her behind
 15 the trunk to move her forward, and then he
 16 hooked her in the ear, brought her head down,
 17 and -- well, I don't know what he did, and at
 18 that point I just walked away.
 19 Q. Did she lie down?
 20 A. No, she brought her head down.
 21 Q. Did she bleed?
 22 A. No, I don't -- no.

1 Q. Identify for me, sir, a situation
 2 in which Daniel Raffo excessively hooked the
 3 elephant Mysore.
 4 A. Again, I -- '97, '98, '99. I
 5 don't know any specific dates.
 6 Q. Can you identify for me a
 7 situation in which you observed the elephant
 8 Mysore bleeding as a result of Mr. Raffo's
 9 conduct?
 10 A. Mysore, no.
 11 Q. Can you describe a -- first of
 12 all, let me ask you this: Was there an
 13 elephant named Mini on the Blue Unit?
 14 A. Yes.
 15 Q. There was also an elephant named
 16 Meena?
 17 A. Yes.
 18 Q. Two different animals.
 19 A. Yes.
 20 Q. All right. With respect to the
 21 animal Mini, can you identify an instance in
 22 which Daniel Raffo excessively hooked Mini?

1 A. Other than -- when they're walking
2 the elephants. An exact instance, no. Other
3 than '9 -- the same years.

4 Q. Did you ever see the elephant Mini
5 bleed as a result of Daniel Raffo's handling
6 of her?

7 A. No.

8 Q. Did you ever see the elephant
9 Nicole bleed as a result of Daniel Raffo's
10 handling of her with a bull hook?

11 A. No.

12 Q. Can you give me a specific
13 instance in which he excessively hooked
14 Nicole?

15 A. Again, when they're walking 'em at
16 night, depending on where Nicole was,
17 sometimes Nicole would go in. A specific
18 instance, no.

19 Q. How about Lutzi? Did you ever see
20 Lutzi bleed as a result of Daniel Raffo's
21 conduct?

22 A. No, not that I recall.

1 Q. Do you know whether she bled as a
2 result of that?

3 A. No.

4 Q. Can you give me an instance in
5 which Mr. Raffo excessively hooked the
6 elephant Susan?

7 A. No.

8 Q. Did you ever see Susan bleed as a
9 result of his handling of her?

10 A. No.

11 Q. Can give me a specific instance in
12 which Daniel Raffo excessively hooked the
13 elephant Karen.

14 A. No. Karen was -- no.

15 Q. Did you ever see Karen bleed as a
16 result of Daniel Raffo's handling of her?

17 A. No.

18 Q. Did he ever handle her?

19 A. I -- that's what -- I don't want
20 to give you. I don't think so. I don't
21 rec... I don't remember him ever handling. It
22 was usually other people, for Karen.

1 Q. Can you give me a specific
2 instance in which he excessively hooked her?

3 A. On the train, during load-in and
4 load-out, in... I think we were just leaving
5 winter quarters, the one I remember, because
6 he hooked her -- they were loading 'em on the
7 train, and he was yanking 'em by the trunk to
8 get 'em to come up and stuff, which is to me
9 excessive.

10 Q. "They" being -- well, Mr. Raffo
11 did this?

12 A. Raffo, yes, I'm sorry.

13 Q. And he yanked her how?

14 A. Hooked her like that and pulled
15 real hard.

16 Q. Well, what did she -- what did he
17 hook her on?

18 A. On the trunk, behind the trunk
19 with the bull hook.

20 Q. What did the elephant do?

21 A. Run forward -- not run, excuse me,
22 but moved forward rapidly.

1 Q. All right. When you worked with
2 Daniel Raffo in Europe, did you ever see him
3 mistreat an elephant then?

4 A. Yes.

5 Q. What did you see in Europe?

6 A. I saw him excessively hooking,
7 behind the ears. Again, any -- I mean, he's
8 -- he's hit 'em over the head over there.
9 I've seen him, many times, hit 'em.

10 Q. As to the hooking that you've
11 described about, or talked about -- excuse me.

12 As to the hooking you just
13 mentioned Mr. Raffo doing in Europe, was it
14 any different than what you observed at
15 Ringling Brothers?

16 A. Yes.

17 Q. How was it different?

18 A. A lot -- how -- I say different in
19 the sense that -- like she... those were more
20 like his elephants, you know, rather than
21 being at Ringling when they're all there.
22 Like I said, at Ringling it's varied, but in

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1 you had with Ms. Meyer, what was your
2 understanding about what your arrangement was
3 going to be from that point forward in terms
4 of the money?

5 A. It was a bus pass, and I think it
6 was around \$50, or maybe... maybe \$250 every
7 two weeks. It wasn't -- you know, it was just
8 what we figured I'd need for -- it was a bare
9 minimum of what somebody would need to exist
10 on, having to get a motel, or a cheap motel
11 room in a town, and my expenses, cabs, buses,
12 whatever.

13 Q. At the time you had this
14 discussion with Ms. Meyer, did you have a job?

15 A. I was helping PAWS as security.

16 Q. That's the only job you had?

17 A. And watering the plants.

18 Q. But you were faced with being
19 unemployed; is that correct?

20 A. No.

21 Q. That relationship with PAWS was
22 ending; is that true?

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1 A. If -- if I wanted it to end, it
2 would have ended. The only reason I wanted it
3 to end is because I didn't want to be bound to
4 something to say I could not speak out against
5 Ringling Brothers.

6 Q. Well, between the time you
7 actually ended the relationship with PAWS, and
8 the time you actually got money from Ms.
9 Meyer, or whoever was paying you in that
10 timeframe, how much time elapsed?

11 A. Oh, probably three days. I was at
12 Pat CuvIELLO's.

13 Q. Is that when the first payment
14 came to you?

15 A. Yeah, I believe so. That's when I
16 left on the bus. I'm sure it was three or
17 four days.

18 Q. And how did that --

19 A. I don't remember the day of the
20 week.

21 Q. How did that payment arrive at
22 CuvIELLO's house?

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1 A. I -- the best I would remember,
2 would be Western Union.

3 Q. How did you know to go to Western
4 Union to get it?

5 A. Because we figured that's the only
6 way I could get it. I'm -- I'm not sure. It
7 might have -- it could have been Fed-Ex, but
8 I'm -- I know that there was -- I'm not sure
9 which of the two. I just don't remember that
10 exact --

11 Q. So you had a discussion with Ms.
12 Meyer about how to get the money to you?

13 A. Yes, sir.

14 Q. And you indicated the best way was
15 Western Union moneygram?

16 A. Well, we knew that -- that Western
17 Union was everywhere.

18 Q. So the concept was, you would go
19 to the Western Union office and pick up the
20 money there.

21 A. Yes.

22 Q. Is that how it worked?

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1 A. Yeah -- yes, sir.

2 Q. Have you ever reapplied to work
3 with PAWS again?

4 A. Excuse me. No, sir.

5 Q. Have you ever been back to the
6 Galt location since you left?

7 A. No, sir.

8 Q. Have you ever been back to ARK
9 2000 since you left?

10 A. No, sir. I'm not allowed to be
11 there, so -- I mean, I want to go, but I --
12 because of the lawsuit, I'm not sure what I
13 can do. I want to go see my elephants, but I
14 don't know if I'm allowed to do that. If I
15 knew I was allowed to do it, I'd go there.

16 Q. "Because of the lawsuit," meaning
17 which lawsuit?

18 A. The RICO lawsuit that they settled
19 out of court with.

20 Q. Because of the lawsuit that Ms.
21 Derby settled with Feld Entertainment.

22 A. Right. I'm not privileged to the

49 (Pages 190 to 193)

1 A. We would lay them down to clean
 2 'em up.
 3 Q. Well, "We". I'm talking about
 4 you, Tom Rider --
 5 A. By myself, okay. Because I didn't
 6 understand that part -- yes -- no.
 7 Q. Okay. I'm talking about you, Tom
 8 Rider, by yourself, elephants are on the
 9 chains.
 10 A. No.
 11 Q. Anything else?
 12 A. No. I would never lay them down
 13 or anything.
 14 Q. All right, if you would return,
 15 sir, back to this document, again, paragraph
 16 30.
 17 A. Uh-huh.
 18 Q. Last sentence says "during his
 19 work with the elephants, he grew extremely
 20 fond of them, and formed a strong personal
 21 attachment to these animals."
 22 A. Yes.

1 THE WITNESS: Because I went --
 2 BY MR. SIMPSON:
 3 Q. All right. And then on paragraph
 4 32, the first sentence, "Mr. Rider has a per
 5 -- has a personal and emotional attachment to
 6 these elephants whom he refers to as his
 7 girls." Do you see that?
 8 A. Yes.
 9 Q. Is that the same list of elephants
 10 that you just gave?
 11 A. Yes.
 12 Q. There's no difference between the
 13 two groups?
 14 A. Oh, other than Roma. She wasn't
 15 on the show very long, so --
 16 Q. All right.
 17 A. Same group of elephants.
 18 Q. What was the nature of your
 19 personal attachment? Describe it.
 20 A. Wow. My personal attachment to
 21 those elephants is the -- every elephant has
 22 its own personality. I grew to know their

1 Q. All right. As this document makes
 2 reference to "these animals," name those
 3 animals.
 4 A. Meena, Lechamee, Kamala, Lutzi,
 5 Susan, Zina -- hold it, sorry. Meena, Kamala,
 6 Lechamee, Zina, Susan, Lutzi, Rebecca, Jewel,
 7 Sophie, Karen, Mini, Mysore and Nicole. And
 8 in the beginning there was a Roma. And that's
 9 it.
 10 THE REPORTER: Just a minute. Did
 11 you say Regina? There was Lutzi, then Regina,
 12 then Jewel.
 13 THE WITNESS: Oh.
 14 THE REPORTER: Was that -- just
 15 the name --
 16 THE WITNESS: Let's see.
 17 THE REPORTER: I'm sorry.
 18 MR. SIMPSON: Zina.
 19 THE WITNESS: Zina, I'm sorry.
 20 Z-I-N-A, Zina.
 21 THE REPORTER: Gotcha. Sorry
 22 folks.

1 personalities. I grew to know that these
 2 elephants were just the most wonderful
 3 creatures you can imagine. I didn't have to
 4 hit them and beat them, and it was like, you
 5 know, my -- my emotion was -- was like, when I
 6 called them "my girls," I mean, it wasn't only
 7 me, a lot of us called 'em "my girls," but I
 8 telling you what, we considered those "my
 9 girls." When I'm in there by myself, or I'm
 10 on the train by myself, the emotional
 11 attachment I have to those elephants is beyond
 12 belief. I don't want to see anyone do
 13 anything to 'em to harm 'em.
 14 Q. This paragraph 32 makes reference
 15 to an emotional attachment. Is there any
 16 difference between the personal attachment and
 17 the emotional attachment, or are they one and
 18 the same in your mind?
 19 A. The personal attachment is that if
 20 I know that if I say to -- example, Kamala, if
 21 I say Kamala or Meena, move over, and they
 22 don't do it, and they kind of -- like playing

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1 games with you. They'll stand on the -- the
2 foot. That's a personal attachment, when you
3 know what they're doing, that they're only
4 doing it -- it's like playing with you.

5 The emotional attachment, you
6 know, is different than physical.

7 Q. When did this attachment that you
8 just described, this emotional attachment,
9 form?

10 A. Day 2. The second day of -- my
11 first full day on the job, I became -- I -- I
12 just realized that these elephants were
13 wonderful creatures.

14 Q. When this -- when this emotional
15 attachment arose, did it arise equally with
16 respect to all the animals?

17 A. Oh, sure. I don't think --

18 Q. So whatever intensity it had, it
19 was the same with -- with respect to all the
20 element -- elephants that you've listed.

21 A. Yes.

22 Q. Did you have a favorite elephant?

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1 Q. Is that correct?

2 A. Yes, that's correct.

3 Q. That's your --

4 A. And that's -- I mean, everybody
5 knows that about Karen.

6 Q. That she's a killer?

7 A. Yeah, we were kind of told that
8 when we began.

9 Q. Widely known?

10 A. Yes.

11 Q. Be irresponsible to let her
12 anywhere near the public?

13 A. Yes.

14 Q. This emotional attachment that
15 you've described, how intense is it?

16 A. Well, it's intense enough that,
17 when I seen what was going on, and I -- I went
18 to my supervisor, Randy Peterson, and
19 complained about it, it was like, we can't do
20 nothing about it, that's the way it is. It's
21 discipline. And -- and, it hurt me at that
22 point. I -- I really hurt from it. I hurt

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1 A. Oh, yeah.

2 Q. Who was your favorite elephant?

3 A. Several of them. All of them were
4 my favorites. I mean, I -- I -- a favorite.
5 That's like picking a favorite daughter. No,
6 I was equally -- I -- equal. I loved them all
7 the same. There's no really big favorite.

8 Q. This attachment that you
9 described, did it change at any point in time
10 after day 2 on the job?

11 A. It got stronger, yes.

12 Q. Did it get stronger equally as to
13 all the animals?

14 A. Yes.

15 Q. Without exception.

16 A. Without exception, even Karen.

17 Q. All right. And I take it Karen,
18 you loved her equally with all the others?

19 A. Yes.

20 Q. Even though she would probably
21 kill you if she had a chance to?

22 A. Absolutely --

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1 today from it.

2 I -- you know, it -- it's just,
3 when you see the -- if you could be in my body
4 for five minutes and feel what I feel about
5 those elephants, you would know that every
6 minute of the day I think nothing but about
7 these elephants. I love these girls.

8 Q. Well --

9 A. Today I love them.

10 Q. -- to give us a frame of
11 reference, how would you describe the
12 intensity of your attachment to the elephants
13 in comparison to your -- the intensity of your
14 attachment to your daughter Tammy?

15 A. Equal.

16 Q. How would you describe the
17 intensity of your attachment to the elephants
18 in comparison to your other daughter, the
19 attachment to your other daughter?

20 A. Equal.

21 Q. How would you describe it in
22 comparison -- do you have a grandson?

70 (Pages 274 to 277)

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1 A. Yeah.
 2 Q. How would you describe it in -- in
 3 comparison to your attachment to your
 4 grandson?
 5 A. Equal.
 6 Q. Equal. Without any exception.
 7 A. No exceptions.
 8 Q. All right. So you would do
 9 anything you could to prevent these elephants
 10 from being abused; is that correct?
 11 A. Absolutely.
 12 Q. And you had this point of view on
 13 your second day of employment with Ringling
 14 Brothers; correct?
 15 A. From the second day on, I would
 16 say yes. Absolutely.
 17 Q. Did you ever refer to -- have you
 18 ever referred to the elephant Karen as a
 19 bitch?
 20 A. Who?
 21 Q. Karen.
 22 A. Karen as a bitch? I don't -- I

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1 don't remember, but... no, I don't remember.
 2 Q. Would have -- if -- would it
 3 surprise you that you recorded yourself saying
 4 that on a videotape you made?
 5 A. Probably -- no, it wouldn't
 6 surprise me, because Karen -- it was just --
 7 me and Karen have a -- you know, you can't get
 8 close to Karen, so I have an equal emotional
 9 feeling for Karen, but everybody called her
 10 that. I mean, that was a common thing, you
 11 know. It's like -- like a female dog. Same
 12 thing.
 13 Q. Well, do you regard it as
 14 derogatory, or a term of endearment? The
 15 term, the word "bitch"?
 16 A. Yeah, I'd say term of endearment.
 17 Q. Okay.
 18 A. Like, I've called my daughter
 19 that, too. So -- and she --
 20 Q. And she -- do you think she takes
 21 that as a term of endearment, "you bitch," you
 22 call her "you bitch"?

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1 A. If I did, she'd take as a term of
 2 endearment.
 3 Q. Was your attachment to the
 4 Ringling elephants any different from the
 5 attachment to the English elephants?
 6 A. Was it any different?
 7 Q. Any different?
 8 A. No.
 9 Q. So your attachment to the English
 10 elephants was just as strong?
 11 A. Yes.
 12 Q. Just as intense?
 13 A. Yes.
 14 Q. Would do anything in your power to
 15 protect those elephants?
 16 A. Did everything in my power that I
 17 could, yes.
 18 Q. Describe the physical
 19 characteristics, if you can, of Nicole.
 20 A. The physical characteristics of
 21 Nicole?
 22 Q. Yes.

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1 A. She's approximately 12 foot tall,
 2 maybe a little taller, 10,000 pounds. She's
 3 got some pink on her. I remember a lot of
 4 pink on her.
 5 Q. Where?
 6 A. Around the -- the trunk or the
 7 ears, there's some pink. She was "pinking
 8 out," they called it.
 9 Q. Anything else about Karen you can
 10 rem -- I mean, excuse me, Nicole that you
 11 remember? A physical characteristic?
 12 A. No, not that I can remember.
 13 Q. Describe the elephant Karen. The
 14 physical characteristics of the elephant
 15 Karen?
 16 A. Large. Bigger than -- very big
 17 elephant. Physical characteristics about
 18 Karen was, she has a -- a U-shape right here,
 19 out of her hair. That's -- was really a way
 20 for us to tell Karen.
 21 Q. So a U-shape on her forehead?
 22 A. Yeah, out of hair. It's always a

71 (Pages 278 to 281)

1 and emotionally until that's done.
 2 Q. The emotional --
 3 A. And I --
 4 Q. Excuse me, I'm sorry. The
 5 emotional injury that you describe, when did
 6 you first start to experience that?
 7 A. That was definitely the second
 8 day.
 9 Q. And the intensity of
 10 the...emotional injury you expected on --
 11 experienced on the second day, did that change
 12 over time? Did it get --
 13 A. Yes --
 14 Q. -- more or less intense?
 15 A. More.
 16 Q. Hasn't gotten any be -- hasn't
 17 gotten any better.
 18 A. No.
 19 Q. If you go back to this document
 20 that we marked, the original complaint, and
 21 refer to paragraph 33.
 22 A. Uh-huh.

1 Q. It says that you stopped working
 2 in the circus community because "he could no
 3 longer tolerate the way the elephants were
 4 treated by defendants."
 5 Is that a true statement?
 6 A. Yes.
 7 Q. But you stopped working in the
 8 circus community in February of 2000; is that
 9 correct?
 10 A. Yes.
 11 Q. And at the time you were working
 12 for Daniel Raffo; is that correct?
 13 A. Yes.
 14 Q. So you continued to work in the
 15 circus community for three months after you
 16 left Ringling Brothers employment; is that
 17 correct?
 18 A. Yes.
 19 Q. Paragraph 34, sir. It states
 20 that, in the second -- in the third sentence,
 21 "However he is unable to do so --"
 22 And this is observing the

1 elephants?
 2 A. Uh-huh.
 3 Q. "-- without suffering more
 4 aesthetic and emotional injury, unless and
 5 until these animals are placed in a different
 6 setting or are otherwise no longer routinely
 7 beaten, chained for long periods of time and
 8 otherwise mistreated."
 9 Are these injuries, referred to in
 10 this sentence, any different than what you
 11 just testified to?
 12 A. No.
 13 Q. It's the same set of injuries; is
 14 that true?
 15 A. Yes.
 16 Q. The last sentence of this
 17 paragraph says, "If these animals were
 18 relocated to a sanctuary or other place where
 19 they were no longer mistreated, Mr. Rider
 20 would visit them as often as possible, and
 21 would seek a position that would allow him to
 22 work with his girls again."

1 Was that a true statement --
 2 A. Yes --
 3 Q. -- in July of 2000?
 4 A. Yes.
 5 Q. I need -- I need to finish the
 6 question.
 7 A. Oh, I'm sorry.
 8 Q. Was that a true statement in July
 9 of 2000?
 10 A. Yes.
 11 Q. Is that a true statement today?
 12 A. Yes.
 13 Q. All right.
 14 THE REPORTER: This will be
 15 Defendant's Exhibit 11.
 16 (Document referred to marked
 17 Deposition Exhibit No. 11 for identification
 18 and subsequently attached to the deposition.)
 19 BY MR. SIMPSON:
 20 Q. Mr. Rider, let me show you what
 21 has been marked as Defendant's Exhibit 11
 22 which is the second amended complaint for

1 A. Because I know the way Ringling
 2 treats their animals -- elephants.
 3 Q. Have you ever observed any of the
 4 treatment of the elephants at the -- at the
 5 facilities in Florida?
 6 A. No.
 7 Q. So it's not based on any of your
 8 personal knowledge about what goes on in any
 9 of these facilities in Florida, is it?
 10 A. No, it's just based on being
 11 Ringling.
 12 Q. How big was the pen that Sophie
 13 was in at the zoo?
 14 A. Oh, here we go on feet again. It
 15 was relatively, let's say, 40 -- it would be
 16 100 -- say, 125 feet by 60, 70 -- maybe 60, 70
 17 feet -- let's say 100 by 125 feet. That would
 18 be a pretty good sized yard. How about this,
 19 two of these rooms. I don't know how big this
 20 room is, but two of these rooms.
 21 Q. Was that -- was that your
 22 understanding was the total space available

1 and there was -- but I don't know if they had
 2 it up yet. There was a -- they were building
 3 a shade thing, or it was already -- there was
 4 poles there. I'm not going to say that it was
 5 built, because I -- I -- it kind of looked
 6 like it wasn't built yet. They were putting
 7 up shade things.
 8 Q. Since your deposition was taken in
 9 this case in October of 2006, have you made
 10 any effort to see the -- visit the elephant
 11 Mini?
 12 A. No. Mini's in -- I believe she --
 13 Mini and Rebecca, if I'm right, are in Galt,
 14 California -- or up at San Andreas, and no,
 15 until -- unless, you know, somebody says I can
 16 go there and see 'em. I want to see her.
 17 Yes, I do want to see her.
 18 Q. But you haven't done that.
 19 A. I haven't -- I don't know if I can
 20 or I can't. If I can go I will.
 21 Q. But the question is, you haven't
 22 done it; isn't that correct?

1 for Sophie?
 2 A. And the barn where they house
 3 them.
 4 Q. Was she with any other elephants?
 5 A. Yes, she was.
 6 Q. How many other elephants?
 7 A. One.
 8 Q. What kind of surface did Sophie
 9 stand on in this enclosure?
 10 A. Blacktop -- there was blacktop;
 11 there was dirt and there was rock. So it's
 12 kind of like three different areas. And there
 13 was concrete inside the building.
 14 Q. You could see inside the
 15 building --
 16 A. Just a little bit, right there by
 17 -- a door was open, and I saw that it was
 18 obviously concrete -- there was -- you know,
 19 it was a nice barn.
 20 Q. Was there a place for her to get
 21 in out of the weather?
 22 A. Yes. Both -- the barn was open,

1 A. No, I have not done it.
 2 Q. And you haven't seen Rebecca,
 3 either; is that true?
 4 A. No.
 5 MR. SIMPSON: All right. Well, I
 6 think we're at 4:00 --
 7 MS. MEYER: Okay.
 8 MR. SIMPSON: -- a point to
 9 stop --
 10 MS. MEYER: Good.
 11 MR. SIMPSON: -- for the day, at
 12 least.
 13 MS. MEYER: All right.
 14 THE VIDEO OPERATOR: The time is
 15 4:13 P.M. This adjourns today's videotaped
 16 deposition of Tom Eugene Rider, volume 1, with
 17 tape number 4, to reconvene on December 19th,
 18 2007, at a time mutually agreed to by counsel
 19 in this matter.
 20 (Whereupon, at 4:13 p.m., the
 21 deposition was adjourned.)
 22 (END OF VIDEOTAPE NUMBER 4)

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1 then I saw them later on, they were inside the
2 -- the tent, and that, I believe, was
3 Charleston.

4 I don't -- I can't remember where
5 I saw them in Texas, because I see them so
6 many times a year, I wasn't -- wasn't keeping
7 track of when I seen the Blue and the Red. I
8 just --

9 Q. So you think maybe you saw the
10 Blue Unit elephants in a tent in Charleston,
11 West Virginia?

12 A. Yeah, I believe it was.

13 Q. And you saw --

14 A. I may not have been there, I might
15 -- I'm just saying I think that was the Blue
16 Unit.

17 Q. And then saw them perhaps on an
18 animal walk somewhere in Texas?

19 A. (Nodding head) Yes.

20 Q. And what did you -- what elephant
21 mistreatment, if any, did you observe of the
22 Blue Unit elephants in Charleston?

Page 335

1 A. Well, I didn't see any
2 mistreatment in Charleston, because you can't
3 get close enough. I can't just go sit and
4 watch the elephants. I don't have that
5 privilege of going and sitting and watching
6 the elephants for eight hours a day. So --

7 Q. Did you --

8 A. -- if I see something I see it,
9 but if I don't, I don't.

10 Q. What elephant mistreatment, if
11 any, did you see in Texas on the animal walk?

12 A. I really -- really, other than --
13 you rarely see anything on the walks. To be
14 honest with you, you just don't see anything
15 on the --

16 Q. Well, did you see --

17 A. -- on the walks.

18 Q. -- anything on that walk?

19 A. Did I see anything on that walk?

20 No, I did not see anything on that walk.

21 Q. Did you -- were you aware that an
22 inspection of Nicole and Karen was held in

Page 336

1 this case at Auburn Hills?

2 A. Am I aware of it?

3 Q. Yes.

4 A. Yes.

5 Q. And you were not present; is that
6 correct?

7 A. No.

8 Q. Is there a reason why you didn't
9 go?

10 A. I -- I -- no. I don't know why I
11 didn't go. I just -- actually --

12 MS. MEYER: Well, I want to object
13 and instruct you not to answer --

14 THE WITNESS: Okay --

15 MS. MEYER: -- any questions
16 having to do with our communications.

17 BY MR. SIMPSON:

18 Q. I'm not asking you what your
19 lawyer told you. I'm asking you why you
20 didn't go to Auburn Hills.

21 MS. MEYER: To the extent that the
22 reason you didn't go to Auburn Hills would

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1 reveal -- answering that question would reveal
2 a conversation that you and I had --

3 THE WITNESS: Uh-huh.

4 MS. MEYER: -- I'm instructing you
5 not to answer it.

6 BY MR. SIMPSON:

7 Q. Can you answer the question?

8 A. No.

9 Q. Were you aware that -- that Susan,
10 Mysore, Lutzi, Zina, were inspected at the
11 elephant facility in Florida, in this case, in
12 the last month?

13 A. I was aware that there was an
14 inspection.

15 Q. All right. Did you -- was there a
16 reason why you didn't go to that?

17 MS. MEYER: And again, I would
18 instruct you not to answer that question to
19 the extent it would reveal an attorney/client
20 communication.

21 THE WITNESS: Okay.

22 BY MR. SIMPSON:

85 (Pages 334 to 337)

1 Q. Can you answer that question?
 2 A. No.
 3 Q. You're going to follow the
 4 instruction?
 5 A. Yes.
 6 Q. Are you going to follow the prior
 7 instruction that she just gave you?
 8 A. Yes.
 9 Q. Have you looked at any of the
 10 tapes that were made of those -- of the --
 11 either the visit to Auburn Hills or the visit
 12 to Florida?
 13 A. No.
 14 Q. Have you looked at any of the
 15 photographs?
 16 A. No.
 17 Q. Why not?
 18 A. I -- I haven't looked at them.
 19 Q. You're not interested?
 20 A. Yes.
 21 Q. You're not interested -- are you
 22 interested in videotapes?

1 described?
 2 A. Yes.
 3 MR. SIMPSON: Okay.
 4 THE REPORTER: This will be
 5 Exhibit -- Defendant's Exhibit 13.
 6 (Document referred to marked
 7 Deposition Exhibit No. 13 for identification
 8 and subsequently attached to the deposition.)
 9 BY MR. SIMPSON:
 10 Q. Mr. Rider, let me show you what's
 11 been marked as Exhibit 13 which are the
 12 objections and responses to defendant's first
 13 set of interrogatories to plaintiff Tom Rider.
 14 A. Uh-huh.
 15 Q. That were served in this case, and
 16 are dated June 9th, 2004.
 17 A. Yes.
 18 Q. Are you familiar with this
 19 document?
 20 A. Yes.
 21 Q. This is one of the documents you
 22 reviewed prior to today's deposition?

1 A. Yes.
 2 Q. Do you think there will come a
 3 point in time when you'll look at them?
 4 A. I -- that's predicting the future,
 5 and I don't want to -- I -- that would be
 6 speculation on my point. Do I want to see
 7 them? Yes. I -- I wish I was there.
 8 Q. Did you make a tape of an animal
 9 walk of the Blue Unit in San Diego in August
 10 of 2006?
 11 A. Yes.
 12 Q. Do you recall that?
 13 A. Yes.
 14 Q. When you made that tape, sir, were
 15 you suffering an aesthetic injury?
 16 A. Yes.
 17 Q. The same as you've described?
 18 A. Yes.
 19 Q. And when you made that tape, sir,
 20 were you suffering an emotional injury?
 21 A. Yes.
 22 Q. The same as you've previously

1 A. Yes.
 2 Q. If I could turn your attention,
 3 sir, to page 33.
 4 A. Yes.
 5 Q. And the question here was to
 6 describe the observations of the elephants
 7 that you know, as alleged in paragraph 23 of
 8 the complaint, since you left the defendant's
 9 employment.
 10 And you've provided an answer.
 11 And I want to direct your attention to the
 12 second paragraph.
 13 A. Yes.
 14 Q. And the reference to Madison --
 15 and let me ask you first: The reference to
 16 the elephants in Madison, Wisconsin, in May of
 17 2001.
 18 A. Yes.
 19 Q. Is that to the Blue Unit
 20 elephants?
 21 A. Wow, uh -- don't remember. I'd
 22 have to look at a route card for that one.

1 A. Are we on -- still on this one?
 2 Q. Go back to DX -- or Defendant's
 3 13.
 4 A. Which was number 23?
 5 Q. Page 33.
 6 A. Thank you. Here it is. Okay.
 7 Q. And the question in the
 8 interrogatories was, "Describe each of your
 9 observations of the elephants that you know,
 10 as alleged in paragraph 23 of the complaint."
 11 All right. So the -- the question
 12 to you was the -- the observations you have
 13 made of elephants that you know.
 14 And you've -- you've testified
 15 that a couple of these cities listed in this
 16 answer were Red Unit elephants; is that
 17 correct?
 18 A. Yes.
 19 Q. Which Red Unit elephants did you
 20 know, as referred to in paragraph 23 of the
 21 complaint?
 22 A. Like I said, I know Babe. I know

1 A. Because I know the suffering those
 2 elephants are going through, and my attachment
 3 to them is that, I -- I'd just do anything I
 4 can to help them.
 5 Q. Is that attachment any different
 6 than you -- the one you have with the Blue
 7 Unit elephants?
 8 A. Oh, no.
 9 Q. Just as strong?
 10 A. Just as strong.
 11 Q. Just as intense?
 12 A. Just as intense.
 13 Q. Have you ever worked with any of
 14 the Red Unit elephants?
 15 A. I -- I'm going to say no, because
 16 I don't know which one came from the Red Unit
 17 over to the Blue.
 18 Q. So you don't know one way or the
 19 other at this point, do you?
 20 A. I -- I don't know which one came
 21 to the -- from the Red to the Blue.
 22 Q. All right. But assuming for

1 Babe was there. I don't know them by name.
 2 I --
 3 Q. Did you have a close personal
 4 relationship with Babe?
 5 A. No. But you have the same
 6 relationship with all elephants. I -- I don't
 7 feel any different toward the Red or the Blue.
 8 I don't feel any difference.
 9 Q. Well, name all the -- the Red Unit
 10 elephants that you had a personal relationship
 11 with.
 12 A. I would have to say none of them.
 13 My personal relationship is with all the
 14 elephants in the circus. I mean, I -- I feel
 15 as attached to one as I do the other. I don't
 16 have to know them to be personally attached to
 17 them or suffer personal injury.
 18 Q. Well, do you have an attachment to
 19 the Red Unit elephants?
 20 A. Yes, I do.
 21 Q. And on what basis do you have an
 22 attachment to the Red Unit elephants?

1 purposes of my question, sir, that
 2 interrogatory number 17 asks you to describe
 3 observations you have made of the elephants
 4 that you know; correct?
 5 A. Yes --
 6 Q. Since you left the employment of
 7 Ringling Brothers.
 8 A. Yes. "Describe each and every
 9 observation of elephants you know as alleged
 10 in paragraph 23 since you left your
 11 employment, including which elephants you
 12 observed." Yes.
 13 Q. Your testimony, sir, is, to the
 14 extent that this answer refers to Red Unit
 15 elephants, that those are elephants that you
 16 in fact know; is that correct?
 17 A. No. I'm just going by the ones
 18 that says it's the elephants I observed, both
 19 Blue and the Red. But the answer to this
 20 question, I observed both the Blue and the Red
 21 elephants.
 22 Q. And the -- and the Red Units --

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1 situation?
 2 A. Oh, no, San Diego was on the track
 3 -- on the truck. I seen them for maybe 20, 30
 4 minutes chained up. You can't really see much
 5 in San Diego.
 6 Q. But this was in the train.
 7 A. Yes.
 8 Q. Not at the venue in a tent.
 9 A. Right. It was when they came in.
 10 They were on the train when I observed them
 11 for an hour and a half. I'm sorry.
 12 Q. All right. Was that August of
 13 '06?
 14 A. Yes.
 15 Q. When was Manchester, New
 16 Hampshire --
 17 A. Yes -- I want to say '06.
 18 Manchester, New Hampshire, would have been the
 19 fall of '06.
 20 Q. When was Houston, Texas?
 21 A. Wait a minute. It might have been
 22 '04. I believe it was '04.

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1 Q. Manchester was '04?
 2 A. '04 -- Oh, wait a minute, I'm
 3 trying to think who I had seen first, Red or
 4 Blue -- Wow, I want to -- it must have been
 5 2006 in Manchester. And 2005 was the Red Unit
 6 in Manchester, that's it.
 7 Q. When was Houston, Texas -- when
 8 was the observation in Houston, Texas?
 9 A. I -- that was in the summer. I
 10 can't -- the observation in Houston was only
 11 -- I just could drive by. It wasn't -- I just
 12 saw them down the -- they're kind of in a
 13 tunnel-like. So I was able to park and just
 14 see them down in the tunnel. And I know they
 15 had -- the next day I saw them outside. So it
 16 might be 15, 20 minutes each time. I can't
 17 really hang out around them.
 18 Q. And this was what time of day in
 19 Houston, did you make these observation?
 20 A. Uh, first one was daytime, the
 21 second one was evening, about 3:00 o'clock in
 22 the afternoon.

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1 Q. With respect to times since June
 2 of '04 in which you've seen Blue Unit
 3 elephants chained up on the train, you
 4 mentioned San Diego in August of '06 --
 5 A. Yes --
 6 Q. Have you seen any other -- have
 7 you had any other observations of that, in
 8 addition to San Diego?
 9 A. Yes -- I'd -- since 2004. That's
 10 a lot of towns that I travelled to and seen
 11 both the Blue and the Red. I would have to
 12 look at -- literally look at a route card to
 13 tell where they were, so I can -- there's
 14 numerous times. I've seen them a lot.
 15 Remember, I'm out there year-round.
 16 Q. So you'd have to look at a route,
 17 route card to refresh your recollection?
 18 A. Well, it would -- it would help,
 19 because then I would know -- I would be able
 20 to -- oh, okay, they're in this town, now
 21 they're -- now they're in this town, I can
 22 remember what -- you know, the thing is, when

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1 you travel so much and you see these
 2 elephants, it's very difficult to remember
 3 exactly where, you know -- because I see them
 4 a lot.
 5 Q. Did there come a time, sir, when
 6 you made a visit to a zoo in Illinois, to see
 7 the elephant Sophie?
 8 A. Yes.
 9 Q. Was that in October of '06?
 10 A. I believe so.
 11 Q. Was that after your deposition the
 12 first time in this case?
 13 A. I'm -- yes, I believe it was.
 14 That's -- yeah, I believe it was. I believe I
 15 went up and seen Sophie afterwards.
 16 Q. What zoo was she in?
 17 A. Nobi -- Nobi -- I can't --
 18 N-O-B-I, I think they call it, Nobi, "No-Bye",
 19 in East Moline, Illinois?
 20 Q. How -- how long did your visit of
 21 Sophie last?
 22 A. Oh, hour.

95 (Pages 374 to 377)

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1 A. Because I know the way Ringling
2 treats their animals -- elephants.
3 Q. Have you ever observed any of the
4 treatment of the elephants at the -- at the
5 facilities in Florida?
6 A. No.
7 Q. So it's not based on any of your
8 personal knowledge about what goes on in any
9 of these facilities in Florida, is it?
10 A. No, it's just based on being
11 Ringling.
12 Q. How big was the pen that Sophie
13 was in at the zoo?
14 A. Oh, here we go on feet again. It
15 was relatively, let's say, 40 -- it would be
16 100 -- say, 125 feet by 60, 70 -- maybe 60, 70
17 feet -- let's say 100 by 125 feet. That would
18 be a pretty good sized yard. How about this,
19 two of these rooms. I don't know how big this
20 room is, but two of these rooms.
21 Q. Was that -- was that your
22 understanding was the total space available

Page 387

1 for Sophie?
2 A. And the barn where they house
3 them.
4 Q. Was she with any other elephants?
5 A. Yes, she was.
6 Q. How many other elephants?
7 A. One.
8 Q. What kind of surface did Sophie
9 stand on in this enclosure?
10 A. Blacktop -- there was blacktop;
11 there was dirt and there was rock. So it's
12 kind of like three different areas. And there
13 was concrete inside the building.
14 Q. You could see inside the
15 building --
16 A. Just a little bit, right there by
17 -- a door was open, and I saw that it was
18 obviously concrete -- there was -- you know,
19 it was a nice barn.
20 Q. Was there a place for her to get
21 in out of the weather?
22 A. Yes. Both -- the barn was open,

Page 388

1 and there was -- but I don't know if they had
2 it up yet. There was a -- they were building
3 a shade thing, or it was already -- there was
4 poles there. I'm not going to say that it was
5 built, because I -- I -- it kind of looked
6 like it wasn't built yet. They were putting
7 up shade things.
8 Q. Since your deposition was taken in
9 this case in October of 2006, have you made
10 any effort to see the -- visit the elephant
11 Mini?
12 A. No. Mini's in -- I believe she --
13 Mini and Rebecca, if I'm right, are in Galt,
14 California -- or up at San Andreas, and no,
15 until -- unless, you know, somebody says I can
16 go there and see 'em. I want to see her.
17 Yes, I do want to see her.
18 Q. But you haven't done that.
19 A. I haven't -- I don't know if I can
20 or I can't. If I can go I will.
21 Q. But the question is, you haven't
22 done it; isn't that correct?

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1 A. No, I have not done it.
2 Q. And you haven't seen Rebecca,
3 either; is that true?
4 A. No.
5 MR. SIMPSON: All right. Well, I
6 think we're at 4:00 --
7 MS. MEYER: Okay.
8 MR. SIMPSON: -- a point to
9 stop --
10 MS. MEYER: Good.
11 MR. SIMPSON: -- for the day, at
12 least.
13 MS. MEYER: All right.
14 THE VIDEO OPERATOR: The time is
15 4:13 P.M. This adjourns today's videotaped
16 deposition of Tom Eugene Rider, volume 1, with
17 tape number 4, to reconvene on December 19th,
18 2007, at a time mutually agreed to by counsel
19 in this matter.
20 (Whereupon, at 4:13 p.m., the
21 deposition was adjourned.)
22 (END OF VIDEOTAPE NUMBER 4)

98 (Pages 386 to 389)

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA

3
3
4 AMERICAN SOCIETY FOR THE : VOLUME II
4 PREVENTION OF CRUELTY TO :
5 ANIMALS, et al. :

5 :
6 Plaintiffs :

6 :
7 vs. :

Case No.

7 : 03-02006

8 FELD ENTERTAINMENT, INC. :

8 :
9 Defendant :

9
10 Washington, D.C.

10 Wednesday, December 19, 2007

11
11 Continued Videotaped Deposition of:

12
13 TOM EUGENE RIDER

14 called for oral examination by counsel for
15 Defendant, pursuant to notice, at the offices
16 of Fulbright & Jaworski, LLP, 801 Pennsylvania
17 Avenue, N.W., Washington, D.C. 20004, before
18 Renee A. Feder, CSR, a Notary Public in and
19 for the District of Columbia, beginning at
20 9:30 a.m., when were present on behalf of the
21 respective parties:
22

1 On behalf of the Plaintiffs:
 2
 2 BY: KATHERINE ANNE MEYER, ESQ.
 3 BY: KIMBERLY OCKENE, ESQ.
 3 Meyer Glitzenstein & Crystal
 4 1601 Connecticut Avenue, N.W.
 4 Suite 700
 4 Washington, D.C. 20009-1056
 5 (202)588-5206
 6
 6 On behalf of Defendant Feld Entertainment,
 7 Inc.:
 7
 8 BY: JOHN M. SIMPSON, ESQ.
 8 MICHELLE C. PARDO, ESQ.
 9 KARA PETTEWAY, ESQ.
 9 GEORGE GASPER, ESQ.
 10 Fulbright & Jaworski, LLP,
 10 801 Pennsylvania Avenue, N.W.
 11 Washington, D.C. 20004
 11 (202)662-0200
 12
 13 and
 14 BY: JULIE ALEXA STRAUSS, ESQ.
 14 Feld Entertainment
 15 8607 Westwood Center Drive
 15 Vienna, Virginia 22182
 16 (703)448-4065
 16
 17
 17 Also Present: Kenyan C. Hopchas, Videographer
 18
 19 + + +
 20
 21
 22

1 Return, 2001 TR00566 through TR00569
 2
 2 26 1040 U.S. Individual Income Tax 536
 3 Return, 2002 TR00572 through TR00576
 3
 4 27 1040 U.S. Individual Income Tax 536
 4 Return, 2003 TR00581 through TR00587
 5
 5 28 1040 U.S. Individual Income Tax 536
 6 Return, 2004 TR00592 through TR00596
 6
 7 29 1040 U.S. Individual Income Tax 536
 7 Return, 2005 TR00601 through TR00606
 8
 8 30 1040 U.S. Individual Income Tax 536
 9 Return, 2006 TR00607 through TR00611
 9
 10 31 IRS, Wage and Income Statement, 546
 10 3/14/07, TR00565
 11 32 1099, 2000 Payer, Performing Animal 550
 11 Welfare Society to Tom Rider, TR00613
 12
 12 33 1099s, 2002, 2003, 2004, 2005, 553
 13 2006, Payer WAP, to Tom Rider
 13 TR00457 to TR00461
 14
 15 VIDEOTAPES USED IN THIS DEPOSITION
 16 TAPE # PAGE STARTED
 17 1 396
 18 2 498
 19 3 588
 20 4 690
 21 * * *
 22

1
 2 WITNESS: TOM EUGENE RIDER
 2
 3 EXAMINATION BY: PAGE:
 4 MR. SIMPSON 3
 5
 6 E X H I B I T S
 7 DEPOSITION NO. MARKED FOR IDENTIFICATION
 8
 8 14 Plaintiff's Motion for 456
 9 Reconsideration and Memorandum
 9 of Support
 10
 10 15 Reply Brief of 461
 11 Plaintiffs-Appellants, 9/6/02
 11
 12 16 1099, 2001 from Meyer, 464
 12 Glitzenstein to Tom Rider TR00456
 13
 13 17 Cover Letters, TR00376 501
 14 through TR00455
 14
 15 18 Receipts, Ace, 8/8/07 and 8/21/07 512
 15
 16 19 Receipts, TR00221 through TR00372 515
 16
 17 20 FedEx USA Air bill, 4/28/04 TR00468 521
 17
 18 21 Receipt, WalMart, 8/25/07 522
 18
 19 22 Declaration of Tom Rider, 9/24/07 524
 19
 20 23 WAP Custom Transaction Detail 527
 20 Report, 9/24 through 11/28
 21
 21 24 1040 U.S. Individual Income Tax 536
 22 Return, 2000 TR00546 through TR00550
 22

1 P-R-O-C-E-E-D-I-N-G-S
 2 VIDEOPHOTOGRAPHER: This is the
 3 videotaped deposition of Tom Eugene Rider,
 4 Volume II, taken by the Defendants in the
 5 matter of the American Society for the
 6 Prevention of Cruelty to Animals, et al. v.
 7 Feld Entertainment, Inc. in the United States
 8 District Court for the District of Columbia,
 9 Civil Action Number 03-CV-2006. The
 10 videotaped deposition is being conducted in
 11 the law offices of Fulbright & Jaworski, 801
 12 Pennsylvania Avenue, Washington, D.C.
 13 Today is Wednesday, December 19,
 14 2007, and the time indicated on the video
 15 monitor of 9:30 a.m. The certified shorthand
 16 reporter is Renee Feder with the firm of Feder
 17 reporting. The certified legal video
 18 specialist is Kenyan C. Hopchas also in
 19 association with Feder Reporting, 810 Capitol
 20 Square Place, Southwest, Washington, D.C.
 21 Would counsel please identify
 22 themselves for the record and the party or the

1 parties whom they represent beginning with
 2 defense counsel first, please?
 3 MR. SIMPSON: John Simpson for the
 4 Defendant.
 5 MS. PARDO: Michelle Pardo for the
 6 Defendant.
 7 MS. STRAUSS: Julie Strauss,
 8 in-house for Feld Entertainment.
 9 MS. PETTEWAY: Cara Petteway for
 10 the Defendant.
 11 MS. MEYER: Katherine Meyer for
 12 the Plaintiffs.
 13 MS. OCKENE: Kimberly Ockene for
 14 the Plaintiffs.
 15 Thereupon,
 16 TOM EUGENE RIDER
 17 was called for further examination by counsel
 18 and, after having been duly sworn by the
 19 Notary, was examined and testified as follows:
 20 FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT
 21 BY MR. SIMPSON:
 22 Q. Good morning, Mr. Rider.

1 A. Good morning.
 2 Q. Between yesterday when we
 3 concluded and today, have you discussed your
 4 testimony in this deposition with anyone?
 5 A. No.
 6 Q. Yesterday you indicated that you
 7 were aware that in this case the Plaintiffs'
 8 lawyers and their experts had examined
 9 elephants on the Blue Unit in Auburn Hills,
 10 Michigan. Is that correct?
 11 A. Yes.
 12 Q. Were you aware of that before or
 13 after it occurred?
 14 A. Before.
 15 Q. You also indicated I think
 16 yesterday that you were aware that Plaintiffs'
 17 counsel and their experts had examined certain
 18 elephants at Feld Entertainment's facility in
 19 Florida. Is that correct?
 20 A. Yes.
 21 Q. Were you aware of that before or
 22 after it happened?

1 A. Before.
 2 Q. Mr. Rider, other than what you
 3 have testified to yesterday concerning the
 4 elephant care, have you personally witnessed
 5 any mistreatment of the elephant care since
 6 December 1, 1999?
 7 A. Yes.
 8 Q. What else have you seen?
 9 A. Tulsa, Oklahoma. I saw Sonny get
 10 the bullhook stuck in Karen's mouth.
 11 Q. When was this?
 12 A. I would say it was 19 -- excuse
 13 me, I mean 2002. I believe June 5th. That
 14 just rings a bell. I believe -- there was a
 15 videotape taken of it and I believe it is on
 16 there.
 17 Q. Who took that videotape?
 18 A. Myself.
 19 Q. And that videotape has been
 20 produced in this case?
 21 A. Yes.
 22 Q. And when you say Sonny got the

1 hook stuck in her mouth, what do you mean?
 2 A. It was -- Karen was standing there
 3 and the hook went in the mouth and he had to
 4 twist it to get it out.
 5 Q. What side of the mouth?
 6 A. Right.
 7 Q. Did she bleed?
 8 A. I have no -- I don't know.
 9 Q. How long was it in her mouth?
 10 A. Two seconds, three seconds.
 11 Q. How far away from the elephant
 12 were you when these events happened?
 13 A. 100 feet.
 14 Q. Was there anything else about that
 15 incident that you regard as the mistreatment
 16 of Karen, the elephant?
 17 A. No.
 18 Q. Have you witnessed any
 19 mistreatment of Karen the elephant since
 20 December 1, 1999?
 21 A. Not that I remember.
 22 Q. Since December 1, 1999 have you

1 witnessed any mistreatment of the elephant
 2 Nicole?
 3 A. No.
 4 Q. Since December 1, 1999, have you
 5 witnessed any mistreatment of the elephant
 6 Jewel?
 7 A. No.
 8 Q. Since December 1, 1999, have you
 9 witnessed any mistreatment of the elephant
 10 Lutzi?
 11 A. No.
 12 Q. Since December 1, 1999, have you
 13 witnessed any mistreatment of the elephant
 14 Mysore?
 15 A. Not that I can remember.
 16 Q. Since December 1, 1999, have you
 17 witnessed any mistreatment of the elephant
 18 Susan?
 19 A. Not that I remember, no.
 20 Q. Since December 1, 1999, have you
 21 witnessed any mistreatment of the elephant
 22 Zina?

1 A. All of them.
 2 Q. What were the scars behind -- did
 3 Karen have scars behind her ears?
 4 A. Yes.
 5 Q. Which side?
 6 A. Well, both. It would actually be
 7 both sides. Right up -- (Indicating.) It is
 8 actually behind, because it is toward the top,
 9 behind.
 10 Q. I am talking about behind the
 11 ears. Behind your ears.
 12 A. Here, this --
 13 Q. Behind the flaps?
 14 A. No. On the side.
 15 Q. Were there any scars behind the
 16 ears of Karen the elephant?
 17 A. No.
 18 Q. Were there any scars behind the
 19 ears of Nicole the elephant?
 20 A. No.
 21 Q. Were there any scars behind the
 22 ears of Jewel the elephant?

1 A. No.
 2 Q. When you were working on the Blue
 3 Unit in 1997 through -- in that time frame,
 4 '97, '99, as you have previously described, is
 5 it your contention that the elephants were
 6 hooked behind the ears?
 7 A. Yes.
 8 Q. Did the elephants have scars
 9 behind their ears as a result of this?
 10 A. Some, yes.
 11 Q. Which elephants had scars?
 12 A. Meena -- most of them have a scar
 13 right at the top of them, actually all of them
 14 at the very top of the ear. So I have to say
 15 at the top of their ears.
 16 Q. My question is behind the ears.
 17 You mentioned Meena. Did you observe scars
 18 behind the ears of any other elephants when
 19 you were on the Blue Unit in the time period
 20 you worked for Ringling Brothers?
 21 A. Yes.
 22 Q. Which elephants?

1 A. No.
 2 Q. Of Lutzi?
 3 A. No.
 4 Q. Of Mysore?
 5 A. No.
 6 Q. Of Susan?
 7 A. No.
 8 Q. Of Zina?
 9 A. No.
 10 Q. You indicated you thought there
 11 might be scars on the top of the ears?
 12 A. Yes.
 13 Q. You are talking about the point
 14 where the ear joins the top of the head?
 15 A. Yes, (Indicating.)
 16 Q. As you just indicated with your
 17 own ear. So you are talking about the point
 18 at which your ear --
 19 A. -- connects with that.
 20 Q. All the way down the ear? Or just
 21 at the top?
 22 A. Both.

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1 about?
 2 A. That would have been when I
 3 started on -- when I got the Greyhound back in
 4 May of 2001.
 5 Q. Well, you testified previously in
 6 May of 2001 you received money from Meyer,
 7 Glitzenstein & Crystal. Correct?
 8 A. Oh, from Wild -- I am sorry.
 9 Q. I am talking about WAP.
 10 A. I am sorry.
 11 Q. There came a point in time, sir,
 12 when you began to receive money from WAP.
 13 Correct?
 14 A. Yes, sir.
 15 Q. How did that, how did that money
 16 receipt come about?
 17 A. Started out Western Union.
 18 Q. Did you have discussions with
 19 anyone about this before it started?
 20 A. I believe so. My attorney.
 21 Q. Who did you discuss it with?
 22 A. Kathy.

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1 Q. What did she tell you?
 2 MS. MEYER: You can answer
 3 questions about communications you had with me
 4 concerning funding, but not about the lawsuit.
 5 THE WITNESS: Okay, I am sorry, I
 6 was just making sure.
 7 I would call her and we were just
 8 trying to figure out how -- that we had a
 9 grant given to us. We have to figure out how
 10 do we get that grant to me. I said Western
 11 Union until the time we changed over to FedEx.
 12 BY MR. SIMPSON:
 13 Q. Who initiated the phone call?
 14 A. I don't remember.
 15 Q. Whose idea was it to give you the
 16 money through WAP?
 17 A. That would have been Kathy.
 18 Q. And what was your understanding as
 19 to how this was going to take place after this
 20 grant -- it was a grant from someone else?
 21 A. I don't know. I am not privileged
 22 to that.

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1 Q. But was there -- did you have any
 2 discussions with Ms. Meyer in this situation
 3 that you just described about how the payments
 4 from WAP were to take place in the future?
 5 A. Yes.
 6 Q. What was your understanding of how
 7 that was going to work?
 8 A. Western Union in the beginning.
 9 Q. How long were the payments to
 10 last?
 11 A. That could be when -- as long as
 12 we had the grant money.
 13 Q. So as far as you were concerned,
 14 it was forever?
 15 A. No.
 16 Q. Did you have an expectation that
 17 the money would end when the lawsuit was over?
 18 A. Well, obviously.
 19 Q. As long as this lawsuit was
 20 pending, you would get this money from WAP?
 21 A. No.
 22 Q. Well, let's put it this way. If

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1 the lawsuit was over tomorrow, would you still
 2 expect to get paid by WAP?
 3 A. No.
 4 Q. When you discussed this money,
 5 with Ms. Meyer, did you discuss the amount?
 6 A. Yes.
 7 Q. What was the discussion about the
 8 amount?
 9 A. What it would cost me on
 10 Greyhound. And that never changed.
 11 Q. What was your understanding of
 12 what you were going to be paid in terms of the
 13 amount?
 14 A. My grants were supposed to be -- I
 15 was supposed to get like \$250 a week like I
 16 was getting before. I think it was every two
 17 weeks. I believe it was -- it was \$250 a week
 18 at that time when I was on Greyhound.
 19 Q. And there came a point in time
 20 when you were not on Greyhound. Correct?
 21 A. Yes. Uh-huh.
 22 Q. Did the amount of money from WAP

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1 parked away from the arena. It could be --
 2 Q. So you would take a bus from the
 3 arena to where the train was parked with your
 4 living quarters?
 5 A. Yes, sir.
 6 Q. And that is where you went?
 7 A. Yes, sir.
 8 Q. And then, I assume, you would come
 9 back the next day?
 10 A. On the bus.
 11 Q. On the same bus?
 12 A. Yes, sir.
 13 Q. When would you arrive the next
 14 day?
 15 A. 3:30.
 16 Q. 3:30 p.m.?
 17 A. Excuse me. Actually, we caught
 18 the bus at 3:30. I want to say just more like
 19 about 4:00 o'clock when you arrived. But I
 20 would catch the bus at 3:30.
 21 Q. Before you caught the bus at 3:30,
 22 what did you do?

1 A. I was off.
 2 Q. That was your time off?
 3 A. Yes.
 4 Q. Did you spend any of that time in
 5 the arena around the elephants?
 6 A. Sometimes. It just depends on
 7 where we were at and what we were doing.
 8 Where the train was parked mainly.
 9 Q. Now, let's move to a day in which
 10 the show is already in town and set up and
 11 there is one show.
 12 A. Okay.
 13 Q. What were your duties on a one
 14 show day?
 15 A. Okay. Usually when I arrived
 16 there was nobody -- the day crew already went
 17 home, so I just switched with the day barn.
 18 And at that point I basically just cleaned up
 19 around them. We are talking about a one show
 20 day then. I just cleaned up and just watched
 21 the elephants, never take my eyes off of them,
 22 make sure -- don't let anybody around them,

1 don't do any of that, just take care of them.
 2 Then about 6:00, 5:30, 6:00 people start
 3 coming in, the night crew. You usually had to
 4 be there by 6:30, because we had like a
 5 7:30 show. So 6:30. Probably around
 6 6:00 o'clock some of them started coming in.
 7 And then we would call it mucking
 8 out. You take brooms, big brooms and you
 9 start pushing hay, whatever. Anything on the
 10 floor you push to the back and then you clean
 11 it all up so you have a perfectly clean floor.
 12 And at that point we would wait until it was
 13 time for the act to begin. Or, you know, they
 14 would go on different stages. You have a
 15 pre-show and then we would get -- whoever went
 16 in for the pre-show would go in. Whoever was
 17 doing that elephant, for example, most of the
 18 time it was Sonny and Karen. He would come
 19 in -- Sonny would come in and get Karen ready.
 20 And then we would all just kind of hang around
 21 and the show would start. Usually there were
 22 a few elephants in the parade in the

1 beginning. And I am just going on a normal --
 2 you know, just a normal show. Then, whenever
 3 you had the -- what they call the long mount.
 4 And then you would have your -- the act. And
 5 then, just when they go in for the act, at
 6 that point, I feed out. If there is any break
 7 in between where there is a period of time, we
 8 will call it flaking out. We take a flake of
 9 hay about this big, (indicating,) throw it
 10 down and let them play with the hay. And then
 11 about, let's say, there is about 20 -- the
 12 show I start feed out. So there are no
 13 elephants in there so I can just run around
 14 and divide up whatever the requirement was. I
 15 would disperse out the food. They would bring
 16 the elephants back. We would -- we would
 17 either water them before they came in the
 18 tent, depending on the weather, where the
 19 water hose was, a lot of particulars in that.
 20 Line up, let's say, we are watering them
 21 inside, we would line up the water buckets,
 22 they would come in, water them first, pull the

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1 A. It was kind of in general. Just
 2 like what are you doing, man? Like that.
 3 When you are walking down, it might be
 4 wheeling my wheelbarrow, and somebody smack.
 5 Man, don't hit her, like that, and you keep
 6 going. That to me is complaining.
 7 Q. And that is what you were doing
 8 prior to Green Bay, Wisconsin?
 9 A. Oh, yes. Yes.
 10 Q. Did you complain to all of the
 11 people that you saw doing this?
 12 A. If I saw them doing it I would
 13 just -- you know, it is kind of a nonchalant,
 14 hey, what are you doing, why are you doing
 15 that? Discipline.
 16 Q. All right. In Kansas City,
 17 Missouri you say you complained about the
 18 elephants being hit. Do you see that. That
 19 is the next entry on the page.
 20 A. Yes.
 21 Q. Who did you complain to in Kansas,
 22 City?

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1 to Graham Chipperfield about your concerns?
 2 A. For one, because Graham would be
 3 the one who would tell you it is discipline.
 4 That was the word. If I complained to Jeff
 5 Pettigrew, if I complained to Franco, if I
 6 complained to Andy Weller, or if I complained
 7 to Graham Chipperfield, or even if I went
 8 straight to Alex Vargas and complained to him,
 9 it would be I can't do nothing about it, it is
 10 discipline.
 11 Q. You weren't satisfied with that
 12 answer, though, were you?
 13 A. Absolutely not. Why? I mean ...
 14 Q. Why didn't you take it beyond the
 15 people who were telling you the treatment was
 16 discipline?
 17 A. Why didn't the people that I
 18 complained to should have took it. I didn't,
 19 I didn't go any further. I went to the people
 20 who were doing it or, again, like I said, to
 21 Alex Vargas, I told him one time. Hey, do
 22 something about this? Can't it be stopped?

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1 A. Again, whoever was hitting the
 2 elephant.
 3 Q. Did you take it above anybody who
 4 was doing the hitting?
 5 A. No. I was relatively new then.
 6 So I didn't -- you know.
 7 Q. Why not?
 8 A. Because who would you take it to?
 9 Just another handler that is doing the same
 10 thing as that one?
 11 Q. What about the unit manager?
 12 A. That was above -- I can't go
 13 walking up to the unit manager. That was
 14 above my supervisor.
 15 Q. Who was your supervisor?
 16 A. It would have been Graham
 17 Chipperfield was in charge of the elephants.
 18 And I think I was on Alex Vargas -- I don't
 19 remember which crew exactly I was on because
 20 we weren't organized like you would be
 21 organized in some companies.
 22 Q. In Kansas City why didn't you go

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1 Discipline. And it is like no, nothing I can
 2 do about it.
 3 Q. You weren't satisfied with his
 4 answer. Correct?
 5 A. No.
 6 Q. And you didn't take it any further
 7 than that, did you?
 8 A. No, there was no place to take it.
 9 Q. That was your understanding, there
 10 was no place else to take it?
 11 A. Not when you are told it is
 12 discipline and it is going to be done. I did
 13 not take it anywhere else.
 14 Q. Why didn't you go to the unit
 15 manager?
 16 A. Because the unit manager would
 17 have turned around and said, what are you
 18 complaining about, it is the same thing we do
 19 every day. This is discipline. That is how
 20 you can get the elephant to do the circus.
 21 Q. You assumed that. Correct?
 22 A. That is what I assumed because

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1 everybody was saying the same thing, whether
 2 it be the unit manager, it be -- like again,
 3 Jeff Pettigrew, anybody, it was always
 4 complained. In fact, you know, Asheville,
 5 there you go. You should go down to
 6 Asheville, North Carolina when Jeff Pettigrew
 7 threatened my life. That is when that kind of
 8 stuff -- that is why I was scared to really go
 9 any further. I had people who were so mad at
 10 me about complaining that --

11 Q. We will get to Asheville, assuming
 12 your lawyer lets me. The question is why
 13 didn't you take it beyond the people you
 14 didn't agree with their answers. You didn't
 15 go to the unit manager. Why didn't you go to
 16 the vets?

17 A. Because we didn't have a vet every
 18 day. We might see a vet once in a great
 19 while.

20 Q. Dr. West was in Detroit, was he
 21 not?

22 A. Right.

1 this while he is here in Washington and
 2 available to do it. I know that we have used
 3 the 15 hours allotted by that order. But this
 4 is an answer that I don't think can be covered
 5 in the time allotted. I think the judge will
 6 let us do it. You don't have to consent. I
 7 would urge you to consent so we can complete
 8 this tomorrow. It is up to you.

9 MS. MEYER: I am not going to
 10 consent. And, according to my records,
 11 Mr. Simpson, you didn't start this line of
 12 questioning until about ten minutes to 3:00,
 13 at the end of the second day of the
 14 deposition. And we have a court order dated
 15 December 6th from Judge Facciola that said
 16 this deposition will end today at
 17 4:00 o'clock. I let you go a little longer to
 18 take into account the break that we had. But,
 19 again, I will note for the record that the
 20 reason you gave Judge Facciola for wanting
 21 more than the seven hours that are allotted by
 22 the Federal rules was so that you would have

1 Q. Were you upset about the hooking
 2 and hitting in Detroit?

3 A. Yes.

4 Q. Why didn't you bring it up with
 5 Dr. West in Detroit?

6 A. He is not my supervisor. He is
 7 not on the animal crew. He is a veterinarian.

8 Q. Did you think about doing that?

9 A. No, I did not.

10 MS. MEYER: Okay. It is about 12
 11 minutes after 4:00, I think.

12 MR. SIMPSON: I think we have come
 13 to the time allotted, at least by the court's
 14 initial order. As you can probably gather, I
 15 am not finished. And I intended to go through
 16 this entire interrogatory answer. And I think
 17 we are going to have to come back and complete
 18 this deposition. Hopefully tomorrow if you
 19 are willing to do it. If not, then at another
 20 time.

21 I think the efficient way to
 22 proceed would be to get the witness to finish

1 an opportunity to ask Mr. Rider questions
 2 about, I think you said something like 100
 3 incidents that he had alleged of mistreatment
 4 that occurred while he worked for the circus.
 5 Yet, again, you didn't start asking those
 6 questions until ten minutes to 3:00 today. My
 7 position is you have not used your deposition
 8 time wisely. You have been allotted a total
 9 of about 14 and-a-half hours, according to my
 10 records, of questioning Mr. Rider which is
 11 more than twice what is allowed under the
 12 federal rules. So, no, we will not consent.

13 MR. SIMPSON: All right. I don't
 14 agree with anything you just said but I don't
 15 think it matters at this point. I will point
 16 out that the judge indicated when he entered
 17 his order, at the status hearing when he
 18 entered this order, that if this was not
 19 enough time, we were to come back. So we are
 20 going to come back and seek a status call and
 21 get more time.

22 MS. MEYER: Do you want to call