

EXHIBIT 19

Tom E. Rider

October 12, 2006

Washington, DC

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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AMERICAN SOCIETY FOR THE PREVENTION	:	
OF CRUELTY TO ANIMALS, et al.,	:	
Plaintiffs,	:	Civ. No.
v.	:	03-02006
RINGLING BROTHERS AND BARNUM & BAILEY	:	(EGS)
CIRCUS, et al.,	:	
Defendants.	:	

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Washington, D.C.

Thursday, October 12, 2006

Videotaped deposition of TOM E. RIDER, called for examination by counsel for the Plaintiffs in the above-entitled matter, pursuant to notice, the witness being duly sworn by CARLA L. ANDREWS, a Notary Public in and for the District of Columbia, taken at the offices of Meyer, Glitzenstein & Crystal at 1601 Connecticut Avenue, Northwest, Suite 700, Washington, D.C. 20009-1056, at 9:27 a.m., Thursday, October 12, 2006, and the proceedings being taken down by Stenotype by CARLA L. ANDREWS and transcribed under her direction.

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1 strike them against the back of the legs with the bull
2 hook to make them move faster.

3 MR. SIMPSON: Object to the answer as
4 non-responsive, move to strike, object to the lack of
5 question and answer format.

6 BY MS. MEYER:

7 Q How many times did you see an elephant
8 handler strike an elephant on its leg to make it move
9 faster?

10 A Everyday.

11 Q How many times did you see an elephant
12 handler jab an elephant with a bull hook under its chin
13 to make it raise its chin higher?

14 A Everyday.

15 Q And how many times did you see an elephant
16 handler hook, as you say, an elephant behind its leg to
17 make it raise its leg?

18 A Everyday.

19 Q Did you ever see handlers use bull hooks to
20 discipline elephants?

21 MR. SIMPSON: Object to the question,
22 argumentative.

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1 THE WITNESS: Yes, I have seen -- at Ringling
2 they say the bull hook is for discipline. And I have
3 seen elephants smacked up along side the head with the
4 bull hook. They didn't -- like if they had to have
5 their head down to throw the headpiece, you kind of --
6 because they are so tall, you have to throw the
7 headpiece up. They wouldn't get their head down, they
8 would hit them on the head with the bull hook to get
9 their head down. Sometimes they would hook them, take
10 the bull hook and put it on the top of their head and
11 pull down, especially behind the top of the ears and
12 behind the ears. You go up and they hook them in the
13 top of the ear.

14 Now, Meena, I could stick my finger up into
15 the first joint and some of the scars behind her ear up
16 in here was all cut. You could just pull it back, and
17 it was just scared all the way down the back of her
18 ears. A lot of elephants were like that.

19 MR. SIMPSON: Objection. Move to strike. The
20 answer is non-responsive. Lack of a question and
21 answer format.

22 BY MS. MEYER:

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1 Q And how many times did you see an elephant
2 handler smack an elephant on its head with a bull hook?

3 A Too numerous to count.

4 MR. SIMPSON: Objection. Leading the
5 witness.

6 MS. MEYER: I'm sorry. Objection to the
7 leading of the witness.

8 THE WITNESS: I would say it's very hard to
9 count how many times in a day. But I would say
10 approximately in a week's time 10, 15 times. I would
11 see them hit on the head. I would see them hit behind
12 the legs at least once a day.

13 BY MS. MEYER:

14 Q Did you ever see an elephant handler hit an
15 elephant repeatedly with a bull look?

16 A Yes.

17 MR. SIMPSON: Objection. Lead the witness,
18 argumentative.

19 BY MS. MEYER:

20 Q Can you describe those instances?

21 A The main one was in New Haven, Connecticut.

22 Benjamin was -- Benjamin was playing around -- playing

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1 around with Shirley. And when I say that, I am -- he
2 was trying to be the male elephant and being a little
3 too aggressive with Shirley. And the handler came out
4 and started yelling and hit Benjamin. And at that
5 time, Karen was across -- straight across from us. And
6 she started rattling her chain.

7 And that was the worse thing an elephant
8 could do is rattle its chain because this handler would
9 come over -- came over to Karen and started in on
10 Karen. And for the next 23 minutes, that elephant --
11 he had her leg in the air, hooked her underneath. He
12 was hitting her on the head, had her doing trunk up and
13 salute for long periods of time, up down, made her lay
14 down, get up just over rattling her chain because of
15 what Benjamin was doing. It was a very disturbing
16 situation.

17 MR. SIMPSON: Object to the answer as
18 speculation.

19 BY MS. MEYER:

20 Q And when was that? What year was that?

21 A Without my route card -- I am going to say it

22 was -- New Haven was second year. It would have been

13 (Pages 46 to 49)

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1 '99. I am going to say '98. I would have to look at
2 the route card, but I am pretty sure it is '98.

3 Q I actually have your route cards here, so
4 maybe I should just give these to you.

5 MS. MEYER: Why don't we have these marked as
6 Exhibit 5. These are documents that were produced by
7 Mr. Rider, and they are Bates labelled TR 00163 to
8 172. So let's have those marked as Exhibit 5, I
9 believe.

10 (Plaintiffs' Exhibit No. 5, marked for
11 identification.)

12 MS. MEYER: The Bates numbers are actually
13 out of order chronically, so I have reshuffled them so
14 they are in chronological order for you.

15 THE WITNESS: That was '98.

16 MR. SIMPSON: Is there a question pending?

17 MS. MEYER: Yes. I asked him when this
18 incident he was describing occurred, and he --

19 MR. SIMPSON: Well, the exhibits have no
20 foundation. I want to make that objection. And the
21 question was when. When what? When the Karen incident
22 occurred?

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1 MS. MEYER: Yes.

2 THE WITNESS: New Haven, Connecticut, '98 in
3 May of '98.

4 BY MS. MEYER:

5 Q And who was the handler that you were talking
6 about who you saw hit Karen in this incident?

7 A Pat Harned.

8 Q And who is Pat Harned?

9 A He was a performer and caretaker of the
10 babies. Performer -- I call him caretaker of the
11 babies. He was in charge of the babies, although Randy
12 was his superintendent of all animals.

13 Q Randy Peterson?

14 A Yes.

15 Q And can you tell me which handlers you saw
16 use the bull hooks in the way that you have described?

17 MR. SIMPSON: Objection to the question,
18 compound.

19 THE WITNESS: Names?

20 MS. MEYER: Sorry.

21 MR. SIMPSON: It was a compound question. He
22 has described numerous incidents, and you haven't

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1 broken down what it is you are asking him to describe.

2 BY MS. MEYER:

3 Q When you are giving me your answer, if you
4 can tell me what kinds of bull hook use you saw each of
5 the handlers engage in, that would be helpful.

6 MR. SIMPSON: Object to form of the question.

7 THE WITNESS: Okay. Names. Okay. Start
8 with Randy Peterson. I saw the same -- every handler
9 there basically it is the same routine for every
10 handler. If you take Randy Peterson. If he is walking
11 an elephant and that elephant is not moving fast
12 enough, you got hooked. Or if he gets out of line on
13 the picket line, they could get hit with a bull hook.
14 They could get hooked under the legs, him them on the
15 trunk, especially if the elephant is trying to reach
16 for something, they would get hit on the trunk with a
17 bull hook.

18 Patrick Harned. I just explained Patrick's
19 behavior on a daily basis was hitting Benjamin on a
20 daily basis with the bull hook. Let's see. Geoff
21 Pettigrew. Geoff Pettigrew is very -- it is the same
22 pattern. It is a pattern of what I would call a

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1 systematic daily abuse. It is a pattern of striking an
2 elephant. If it does anything that it is not supposed
3 to do on that line it is discipline -- what Ringling
4 calls discipline. Those elephants were struck for
5 doing anything out of the ordinary.

6 MR. SIMPSON: Objection. Move to strike as
7 non-responsive.

8 BY MS. MEYER:

9 Q And who besides Pat Harned, Randy Peterson,
10 and Geoff Pettigrew engaged in this kind of behavior
11 with the ankus?

12 A Some of these are going to be first names
13 because we had 69 employees in two and a half years.
14 Alan Vargas, Gary Jacobson, excuse me, not Gary
15 Jacobson. Gary. A gentleman named Frank. He was a
16 Spanish gentleman. There was George. I believe he was
17 in Puerto Rico. Steve Heart, Adam Hill. James come
18 from the farm in Florida, John Wiedenhofer, although it
19 was kind of rare for John, but he has used a bull hook
20 on elephants. It's a lot of names for 69 people.

21 Q That's good for now. I can go on. And were
22 the baby elephants hit with bull hooks as well?

14 (Pages 50 to 53)

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1 of the elephants?
 2 A Randy Peterson and Pat Harned.
 3 Q Did you ever complain to anyone at the circus
 4 about the treatment of the elephants?
 5 A Yes.
 6 Q Who did you complain to?
 7 A Pat Harned, Randy Peterson, Alex Vargas, Jeff
 8 Steele. That's about it.
 9 Q And what did you say to them?
 10 MR. SIMPSON: Objection. Compound question.
 11 THE WITNESS: I told them that -- I told them
 12 didn't -- I didn't like seeing those elephants hit. I
 13 said, Why are they always hitting the elephants? A
 14 conversation that I had with Alex Vargas. He had left
 15 the show to go, I believe, to what they called that
 16 Nicke -- not Nickelodeon. Kaleidoscope. He had went
 17 there but he came back to visit us in Jacksonville,
 18 Florida. And I told Alex. I said, Alex, Why are these
 19 guys -- I said, I have been here a long period of
 20 time. And these guys constantly are hitting them.
 21 What can I do about them? He says, You can't do
 22 anything. It is discipline.

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1 MR. SIMPSON: Objection. Move to strike the
 2 answer as hearsay and non-responsive.
 3 BY MS. MEYER:
 4 Q Do you remember any other conversations that
 5 you had with Ringling Brothers employees about the way
 6 the elephants were treated?
 7 A Yes.
 8 Q Can you tell us what those were?
 9 A All -- with all the time on the train I would
 10 get back at 10:30 at night. And we would complain. I
 11 mean, I complained all the time. All we did was why
 12 did they do this to this one or why are they doing that
 13 to this one. It was constant arguing on the train.
 14 You would have one or two of them. Like Geoff
 15 Pettigrew was always, You don't know what you are
 16 talking about; you have to do this. You know, you have
 17 to have to hit them. And it was a big argument about
 18 it all the time.
 19 MR. SIMPSON: Objection. Move to strike the
 20 answer as hearsay.
 21 BY MS. MEYER:
 22 Q And was any action ever taken as a result of

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1 your complaints?
 2 MR. SIMPSON: Objection. Calls for hearsay.
 3 THE WITNESS: No.
 4 BY MS. MEYER:
 5 Q You mentioned earlier that there were times
 6 when elephants were taken off the road. Can you tell
 7 us who those elephants were?
 8 A Yes. It was Roma and Nicole are the two.
 9 Q Do you remember when Roma was taken off the
 10 road?
 11 A New Orleans, August 7.
 12 Q Do you know why Roma was taken off the road?
 13 MR. SIMPSON: Objection.
 14 BY MS. MEYER:
 15 Q First, tell me whether you know. And if you
 16 do know, then I will ask you what you know.
 17 MR. SIMPSON: Still objection to the question
 18 because it has no predicate.
 19 BY MS. MEYER:
 20 Q Do you know why Roma was taken off the road?
 21 A Yes.
 22 Q What do you know?

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1 A I was told foot problems.
 2 MR. SIMPSON: Objection. Move to strike the
 3 answer as hearsay.
 4 BY MS. MEYER:
 5 Q Who told you foot problems?
 6 A Randy Peterson.
 7 MR. SIMPSON: Objection. Move to strike the
 8 answer as hearsay.
 9 BY MS. MEYER:
 10 Q And did you see Roma again after that period
 11 of time?
 12 A No.
 13 Q Do you know where she went?
 14 A No.
 15 Q And when was Nicole taken off the road?
 16 A Niagara Falls. As we were going to Canada in
 17 '99, the side of the border would have been just about
 18 the 21st of June or 22nd of June in Niagara Falls.
 19 They took her off before we crossed the border into
 20 Canada.
 21 Q And that was '99, did you say?
 22 A Yes.

22 (Pages 82 to 85)

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<p>1 each elephant. They were taken to certain elephants, 2 examined, moved on very quick, very fast. 3 MR. SIMPSON: Objection. Move to strike as 4 non-responsive and also because of the hearsay. 5 BY MS. MEYER: 6 Q When was the Las Vegas incident that you just 7 mentioned? 8 A It would have been '99. 9 Q And when you said -- 10 A Excuse me. '98, sorry. 11 Q And when you said they were taken to the 12 elephant, what did you mean by that? 13 A Any inspections that were done were 14 accompanied by usually Dave Kaiser and Jeff Steele and 15 of course Randy Peterson. And in one inspection in 16 Florida, there was Richard Fremming and somebody else 17 from Corporate. I want to say -- because I didn't know 18 Corporate. I think his name was George something. I 19 am not sure on that. He was -- him and Richard 20 Fremming were kind of together, you know, inspecting -- 21 you know, I am sorry I don't know the other gentleman's 22 name. But we see him all the time. I can describe him</p>	<p>1 whenever they call us and say, hey, we are coming for 2 an inspection. 3 MR. SIMPSON: Objection. Move to strike as 4 hearsay. 5 BY MS. MEYER: 6 Q What is your basis for knowing that that's 7 how an inspection would come about? 8 A We were told by Randy Peterson that there was 9 an inspection coming. 10 MR. SIMPSON: Objection. Move to strike as 11 hearsay. 12 BY MS. MEYER: 13 Q And was that true with respect to all the 14 inspections that you observed when you were at Ringling 15 Brothers? 16 MR. SIMPSON: Objection. Leading the 17 witness. 18 THE WITNESS: Yes. 19 BY MS. MEYER: 20 Q You mentioned earlier that another elephant 21 died when you were working at Ringling Brothers. Who 22 was that elephant?</p>
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<p>1 with gray hair, but. 2 MR. SIMPSON: Objection. Move to strike as 3 non-responsive. 4 BY MS. MEYER: 5 Q And with respect the USDA inspections that 6 you observed, did you see the inspectors physically 7 examine each of the elephants? 8 MR. SIMPSON: Objection. Leading the 9 witness. 10 THE WITNESS: No. 11 BY MS. MEYER: 12 Q Did they look behind the ears of the 13 elephants? 14 MR. SIMPSON: Objection. Leading the 15 witness. 16 THE WITNESS: No. 17 BY MS. MEYER: 18 Q Do you know -- other than the Las Vegas 19 incident that you already described, do you know the 20 circumstances under which the USDA would come to 21 Ringling Brothers for an inspection? 22 A I don't know the exact circumstances but</p>	<p>1 A Kenny. 2 Q Was that an elephant that was on the Blue 3 Unit? 4 A No. 5 Q Do you have any personal knowledge about the 6 circumstances of Kenny's death? 7 A Yes. 8 Q You have personal knowledge? 9 A After -- well, not while I was at Ringling, 10 no. 11 Q And do you know how old Kenny was when he 12 died? 13 A Approximately four, maybe five -- young. 14 Q Can you tell us the circumstances of your 15 leaving the circus? 16 A About six months before I left Ringling, the 17 English elephants were going to be taken over to Europe 18 or going back to Europe with some of the tigers. I 19 went to Randy and said, You know, I am tired of this. 20 The abuse that goes on and the hitting of the animals. 21 I want to leave. I am going. I said, I want to go to 22 Europe. I want to go with them. So it took until</p>

27 (Pages 102 to 105)

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1 Kansas City in '99 until I got the word that, yes, I
2 was going to Europe. At that time of course we waited
3 until Winter Quarters. And I told them, I said,
4 good-bye. It was amicably. You know, I had -- I was
5 just -- I needed to get away from all the -- you know,
6 my complaining didn't help so I needed to get away.
7 And that was my choice. I wanted to go to Europe with
8 those English elephants.

9 Q And when was that?

10 A That would have been in -- well, the Kansas
11 City would have been in '99 and then Winter Quarters of
12 '99, November.

13 Q And how long did you stay with the English
14 elephants in Europe?

15 A November till I believe it was March --
16 November to March, not -- three or four months.

17 Q And what were the circumstances of your
18 leaving that job?

19 A Well, the day before I left, I saw two Bengal
20 tigers that were shot because Richard Chipperfield
21 didn't want to feed them anymore.

22 MR. SIMPSON: Objection.

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1 THE WITNESS: They had a veterinarian come in
2 and give them a shot with whatever they use to put them
3 down. He was going to put three down but one was
4 purchased. The other two were put down. I could not
5 take the years of abuse that I saw. And to see that
6 was a turning point. The next day I went to my English
7 elephants -- they are not mine. But I went to Kamala,
8 Lechme, and Meena and I just -- that was it. I left
9 late at night. And it was my promise that this is it.
10 I am going to put a stop to the abuse of those
11 elephants. And I left and went over to -- and came
12 back to the United States, come back. I was actually
13 in New York City.

14 BY MS. MEYER:

15 Q All right.

16 MR. SIMPSON: Objection. Move to strike the
17 answer as non-responsive. Contains hearsay, lack of
18 foundation.

19 BY MS. MEYER:

20 Q And when did you leave the Chipperfield
21 Circus, the date?

22 A In March. The exact date, I would have to --

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1 it was in March.

2 Q March of which year?

3 A 90 -- no, March of 2000.

4 Q Have you had an opportunity to be around the
5 Ringling Brothers elephants since you left your
6 employment there?

7 A Yes.

8 Q How many times have you had that opportunity?

9 A Numerous. Over six and a half years,
10 probably 40, 50 times I have seen the elephants.

11 Q And what were the circumstances of your being
12 able to see the elephants?

13 A Observing them from outside of the fenced
14 area that they were in. If the side walls were up and
15 you could see in. If not, when they did their walks
16 into the arenas or getting ready for loadouts, walking
17 around San Diego I had -- I was able to view the
18 elephants for a long period of time, approximately an
19 hour and a half.

20 Q Which cities were you able to observe the
21 elephants in?

22 A Manchester, New Hampshire; Madison,

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1 Wisconsin; Los Angeles, California; San Diego,
2 California; San Francisco, California; Oakland; San
3 Jose; Reno, Vegas; Phoenix; Chicago; New York;
4 Washington, D.C. The list goes on. St. Louis,
5 Missouri.

6 Q Okay. And during those times, did you
7 observe the elephants on chains?

8 A Yes.

9 Q And were the chains the same kind of chains
10 that you observed the elephants on when you worked at
11 the circus?

12 MR. SIMPSON: Objection. Leading.

13 THE WITNESS: Yes, same type of chain.

14 BY MS. MEYER:

15 Q And during those times that you have seen the
16 elephants since you left the circus, have you observed
17 handlers using bull hooks on elephants?

18 A Yes.

19 Q What have you observed?

20 A Yes.

21 Q I have observed striking elephants on the
22 legs, hooking them when they are doing walks, hooking

28 (Pages 106 to 109)

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1 it is to use a dull one? Do you know of any reason why
2 that would be the case?
3 A That you have to use a sharp bull hook?
4 Q Versus a dull one.
5 A I know of no reason to use a sharp bull hook
6 on an elephant.
7 Q Now, when you were at the French circus at
8 some point you came to the decision that you were going
9 to leave that job?
10 A No.
11 Q How did it come to pass that you left that
12 job?
13 A We went to Germany after France, so I left in
14 Germany.
15 Q So you went with the elephant act that you
16 were with to Germany?
17 A Yes.
18 Q And there came a point in time that you quit
19 that job; is that correct?
20 A Yes.
21 Q Because of the way they were treating the
22 elephants; isn't that right?

1 A I quit that job because they killed two
2 Bengal tigers, and I didn't like being forced to use a
3 bull hook. To even carry one in my hands I did not
4 like that.
5 Q If I could turn your attention to page six of
6 these interrogatory answers. In the carry-over
7 paragraph, the fourth line from the bottom, the
8 sentence states, I quit because of the way Raffo and
9 others who worked for the Chipperfields continued to
10 mistreat the elephants. Is that a true statement?
11 A Sure.
12 Q Now, you didn't say anything in here about
13 shooting the tigers, did you?
14 A No, because this is about elephants.
15 Q Well, the question was why -- the statement
16 was why you quit. So that's an incomplete --
17 A Right, because of his -- I would quit because
18 of his treatment of elephants.
19 Q And because he shot two tigers?
20 A I am going to call that the straw that broke
21 the camel's back.
22 Q But the elephant treatment was clearly one of

1 the reasons; is that right?
2 A The elephant treatment, yes.
3 Q And was there anything really different about
4 the elephant treatment you observed Raffo do when he
5 was the Chipperfields than he did when you saw him at
6 Ringling Brothers?
7 A Yes.
8 Q And in what way was it different?
9 A Leaving them in a dark tent chained up hours
10 upon hours upon hours and very little heat on some
11 occasions.
12 Q So is it your testimony that the chaining by
13 Raffo with the Chipperfield elephants in Europe was
14 longer than it was with Ringling Brother?
15 A No, same.
16 Q Same amount of chaining.
17 A Yeah, just --
18 Q That was his use of the -- excuse me. I am
19 sorry. I cut you off. I didn't mean to.
20 A Well, it is a little bit different between
21 there and Ringling Brothers because you have got three
22 shows, and there is other things that go on that at

1 Ringling that didn't go on in that circus. So, yes,
2 when I say the same amount of time, if there was a
3 show, the big elephants came up and went and did the
4 show and came back to the chains.
5 Q So they were chained in Europe the same
6 amount of time they were chained at Ringling?
7 A Basically.
8 Q Was Raffo's use of bull hook in your opinion
9 different than the way he used it at Ringling Brothers?
10 A I really didn't observe him in the ring that
11 much over there. I would say, like I said, he was --
12 once you unchained the elephants, he took them in.
13 What he did in the show, I was too busy cleaning up the
14 pens or getting the tigers ready to go in.
15 Q So when you -- when was it that you left this
16 job in Europe?
17 A Well, it was a Sunday in March in 2000. I
18 know it was a Sunday night. The exact date, I am
19 sorry, I would have to get a calendar. But I know it
20 was a Sunday.
21 Q So sometime in March of 2000, correct?
22 A March or the end of February. It could have