

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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ANIMAL WELFARE INSTITUTE, <u>et al.</u>,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 03-2006 (EGS/JMF)
)	
FELD ENTERTAINMENT, INC.,)	
)	
Defendant.)	
<hr/>)	

**DEFENDANT FELD ENTERTAINMENT, INC.’S REPLY IN SUPPORT OF
MOTION TO JOIN THE HUMANE SOCIETY OF THE UNITED STATES
AS A PARTY PLAINTIFF**

Exhibit 4

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF COLUMBIA
3

4 AMERICAN SOCIETY FOR THE
5 PREVENTION OF CRUELTY TO
6 ANIMALS, ET AL

CIVIL ACTION NO. 03-02006

WASHINGTON, D.C.

7 VERSUS

THURSDAY, MARCH 6, 2008

8 RINGLING BROTHERS AND BARNUM &
9 BAILEY CIRCUS, ET AL

10:00 A.M.

11 **EVIDENTIARY HEARING**

12 BEFORE THE HONORABLE JOHN M. FACCIOLA

13 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE
14

15 A P P E A R A N C E S:

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FOR THE DEFENDANTS,

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Proceedings recorded by mechanical stenography.

Transcript produced by computer-aided transcription.

I N D E X

WITNESSES:

PAGE:

TRACY SILVERMAN

BY MS. JOINER

8

BY MR. GLITZENSTEIN

46

MICHAEL MARKARIAN

BY MR. GASPER

50

EXHIBITS:

PLAINTIFFS' EXHIBIT NO. 7 (Tab "C" documents) 47

DEFENDANTS' EXHIBIT NO. 23 (Interrogatories/
Documents) 49

DEFENDANTS' EXHIBIT NO. 45 (Declaration/
Documents) 85

1 but now I've got to go back through them one by one and see
2 what was deleted.

3 MS. OCKENE: For the record, Your Honor, we do not
4 intend to call any of the witnesses, any of the individuals,
5 whose names are redacted.

6 THE COURT: All right. As I say, we'll have to put
7 it to one side. I'll have to pull out -- look at it again.
8 Okay. Please call your next witness.

9 MS. JOINER: -- Tracy Silverman, Your Honor.

10 THE COURT: I'm sorry?

11 MS. JOINER: Tracy Silverman.

12 THE COURT: Ms. Silverman, please. Once again, all
13 other witnesses must step out.

14 THE DEPUTY CLERK: Ms. Silverman has already been
15 sworn.

16 THE COURT: Yes, she has. Ms. Silverman, I remind
17 you you're under oath.

18 THE WITNESS: Yes, Your Honor. Thank you.

19 * * * *

20 **TRACY SILVERMAN**, called as a witness herein, after
21 having been duly sworn previously, testified as follows:

22 * * * *

23 **BY MS. JOINER:**

24 Q. Excuse me. Ms. Silverman, when we left off the other
25 day, you had identified approximately five conference calls in

1 which you had communications with the organizational
2 plaintiffs regarding Mr. Rider's funding, correct?

3 A. I don't recall, but I'll take your word for it.

4 Q. Who participated in those five conference calls?

5 A. And these are the conference calls again about funding?

6 Q. That's correct.

7 A. That would have been the organizational plaintiffs
8 involved in the lawsuit.

9 Q. And who from the organizational plaintiffs would have
10 participated?

11 A. Most likely it would have been Lisa Weisberg from the
12 ASPCA; Nicole Paquette from the Animal Protection Institute,
13 and that was when she was officially a plaintiff -- or I'm
14 sorry -- when API had become a plaintiff; myself; Cathy Liss
15 from AWI; and, I believe, John Lavern and/or Ethan
16 Eddy(Phonetic) for the Fund.

17 Q. Did Ms. Meyer also participate from the Wildlife
18 Advocacy Project?

19 A. Not in those calls that we were talking specifically
20 about contributions from the group, specific dollar amounts. I
21 can't recall if she was on any of those phone calls. I know
22 she's been on phone calls when we talked about media strategy,
23 and if there happened to be a call where those things
24 overlapped, she may have been on. But I do remember one call
25 where she actually got off when we were talking about specific