

PLAINTIFFS' EXHIBIT L
To Plaintiffs' Opposition to Defendants' Motion
For Summary Judgment
Civ. No. 03-2006 (EGS/JMF)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3 - - - - - X
4 AMERICAN SOCIETY FOR THE :
5 PREVENTION OF CRUELTY TO :
6 ANIMALS, et al., :
7 Plaintiffs, :
8 V. : Case No. 03-2006 (EGS)
9 RINGLING BROS. AND BARNUM & :
10 BAILEY CIRCUS, et al., :
11 Defendants. :
12 - - - - - X

13 Washington, D.C.

14 Tuesday, July 19, 2005

15 Videotaped deposition of LISA WEISBERG, a
16 witness herein, called for examination by counsel for
17 Defendants in the above-entitled matter, pursuant to
18 notice, the witness being duly sworn by MARY GRACE
19 CASTLEBERRY, a Notary Public in and for the District
20 of Columbia, taken at the offices of Covington &
21 Burling, 1201 Pennsylvania Avenue, N.W., Washington,
22 D.C., at 9:40 a.m., Tuesday, July 19, 2005, and the
23 proceedings being taken down by Stenotype by MARY
24 GRACE CASTLEBERRY, RPR, and transcribed under her
25 direction.

Certified Copy

1 APPEARANCES:

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3 On behalf of the Plaintiffs:

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10 On behalf of the Defendants:

11 MAURA A. DALTON, ESQ.

12 Covington & Burling

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17 ALSO PRESENT:

18 ELLEN HEBERT, Videographer

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1 Q. Turning to Exhibit 9, where the first
2 sentence of your first -- of your e-mail to Larry
3 Hawk, it says, "Tom Rider who is a co-plaintiff on
4 the suit and a former Ringling elephant trainer has
5 just left the employ of Pat Derby's group." Do you
6 see that?

7 A. Yes.

8 Q. I think you referred to it earlier and
9 Ms. Dalton asked you a question as to how you knew
10 that Tom Rider was an elephant trainer?

11 A. Right.

12 Q. Do you recall whether he actually told you
13 he was an elephant trainer?

14 A. No. I realize that I made a mistake
15 there, that it was my misunderstanding. He wasn't a
16 trainer, but he was a caretaker for the elephants.

17 Q. And now I want to turn your attention to
18 the discussion you had earlier about the humane law
19 enforcement inspections.

20 A. Yes.

21 Q. Of Ringling Bros. elephants.

22 A. Right.

23 Q. And we looked at a number of exhibits that
24 are forms that your humane law enforcement agents
25 fill out after doing inspections?

1 A. Correct.

2 Q. Can you tell me whether -- sort of what
3 the nature of those inspections are? Are they in
4 depth or are they --

5 MS. DALTON: Object.

6 BY MS. OCKENE:

7 Q. -- cursory?

8 A. My understanding is that they are general
9 inspections that are more superficial in nature. I
10 mean, they're not experts in elephants. They're not
11 trained to necessarily know what to look for, but
12 they were always accompanied by a representative from
13 Ringling Bros. And my understanding is that they did
14 not actually inspect each animal. It was more from a
15 distance and it was more kind of superficial.

16 Q. So to the best of your knowledge, they
17 didn't --

18 MS. DALTON: Object.

19 BY MS. OCKENE:

20 Q. -- go up close to each elephant and, for
21 example, look behind the ears?

22 A. That's my understanding.

23 Q. And do you know whether these inspections
24 were typically announced and prearranged with
25 Ringling Bros.?

1 A. My understanding is that originally they
2 were unannounced, but when we got there, we were
3 instructed by a Ringling Bros. representative that we
4 had to wait.

5 There was one year, as I mentioned, where
6 they questioned our authority, whether or not we
7 could come in and inspect. And I don't believe an
8 inspection took place that year. I don't remember
9 the year. But when they were unannounced, we would
10 have to wait for a period of time until they would
11 accompany us into the area where the animals were
12 kept.

13 Subsequent, at some point, we did the
14 inspections by invitation, in other words, by
15 appointment, rather, so that we would have to contact
16 Ringling Bros. ahead of time and arrange for a
17 specific day and time in which we could come in and
18 inspect the animals.

19 Q. So if I understand correctly, it sounds
20 like they were either announced and prearranged so
21 that Ringling Bros. was aware that the inspectors
22 were coming?

23 A. Correct.

24 Q. Or they were theoretically unannounced but
25 your agents were forced to wait for a period of time

1 until they were allowed onto the premises?

2 A. Correct.

3 MS. DALTON: Object. And I would like to
4 just ask the witness to wait so I can lodge an
5 objection before you answer. There has just been a
6 couple of times where I have objected but you're
7 talking over my objection.

8 BY MS. OCKENE:

9 Q. Is that correct?

10 A. Yes.

11 Q. And is it correct that each instance in
12 which one of your humane law enforcement agents
13 conducted an inspection, the agent was accompanied by
14 someone from Ringling Bros.?

15 A. Yes.

16 MS. DALTON: Object. And again, if you
17 could just wait so I can object.

18 THE WITNESS: Okay. Sorry.

19 MS. OCKENE: I'm just going to take one
20 second. I don't think I have anything else.

21 BY MS. OCKENE:

22 Q. Oh, I just have one other question. In
23 response to one of Ms. Dalton's questions earlier,
24 you indicated that other than the FOIA request that
25 was made prior to the lawsuit against the USDA -- or