

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

FELD ENTERTAINMENT, INC.	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 07-1532 (EGS)
	:	
AMERICAN SOCIETY FOR THE	:	
PREVENTION OF CRUELTY	:	
ANIMALS, <u>et al.</u>	:	
	:	
Defendants.	:	
<hr/>	:	

**PLAINTIFF FELD ENTERTAINMENT, INC.’S OPPOSITION TO DEFENDANTS’
MOTION FOR CERTIFICATION OR, IN THE ALTERNATIVE, RECONSIDERATION**

EXHIBIT 15

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE :
PREVENTION OF CRUELTY TO :
ANIMALS, et al. :

Plaintiffs :

vs. : Case No.
: 03-2006

FELD ENTERTAINMENT, INC. :
Defendant :

Washington, D.C.
January 29, 2008

30(b)(6) Videotaped Deposition of:

PLAINTIFF ANIMAL PROTECTION INSTITUTE
Designated Representative

NICOLE G. PAQUETTE

called for oral examination by counsel for
Defendant, pursuant to notice, at the offices
of Fulbright & Jaworski, LLP, 801 Pennsylvania
Avenue, N.W., Washington, D.C., before Lynell
C.S. Abbott, a Notary Public in and for the
District of Columbia, beginning at 10:01 a.m.,
when were present on behalf of the respective
parties:

Page 2

1
 2 On behalf of Plaintiffs:
 3 BY: KIMBERLY OCKENE, ESQ.
 Meyer Glitzenstein & Crystal
 4 1601 Connecticut Avenue, N.W.
 Suite 700
 5 Washington, D.C. 20009-1056
 (202)588-5206

6
 On behalf of Defendant Feld Entertainment,
 7 Inc.:

8 BY: LISA ZEILER JOINER, ESQ.
 BY: KARA L. PETTEWAY, ESQ.
 9 Fulbright & Jaworski, LLP,
 801 Pennsylvania Avenue, N.W.
 10 Washington, D.C. 20004
 (202)662-0200

11 and

12 BY: JULIE STRAUSS, ESQ.
 13 In-House Counsel
 Feld Entertainment, Inc.

14
 15 Also Present: James Laughlin, Videographer
 16 + + +
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 18
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Page 3

1
 WITNESS: NICOLE G. PAQUETTE

2
 3 EXAMINATION BY: PAGE:
 4 MS. JOINER 6

5
 6 EXHIBITS (Attached)

7 DEPOSITION NO.	8 MARKED FOR IDENTIFICATION
9 1. Amended Notice of Deposition	5
10 2. Letter, 7/22/05, Attachments	88
11 3. Supplemental Complaint	144
12 4. Letter, 4/20/05, Attachment	196
13 5. Letter, 7/20/06, Attachment	204
14 6. Letter, 1/3/07, Attachment	211
15 7. Letter, 1/3/07, Bates 2872-2873	216
16 (withdrawn)	
17 7. Letter, 1/3/07, Attachment	217
18 8. Letter, 5/16/07, Attachment	219
19 9. Itinerary Document, 1/23/06,	220
20 Attachment	
21	
22	

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1
 2 PROCEEDINGS

3 VIDEOGRAPHER: This is Tape No. 1
 4 of the videotaped deposition of Ms. Nicole G.
 5 Paquette taken by the Defendants in the Matter
 6 of ASPCA, et al. versus Feld Entertainment, et
 7 al. in the United States District Court for
 8 the District of Columbia, Case No. 02-2006.
 9 This deposition is being held at Fulbright &
 10 Jaworski, 801 Pennsylvania Avenue, Northwest,
 11 Washington, D.C. on Tuesday, January 29th,
 12 2008, at approximately 10:01 a.m.

13 My name is James Laughlin from the
 14 firm of Feder Reporting Company, and I'm the
 15 video legal specialist. The court reporter is
 16 Lynell Abbott in association with Feder
 17 Reporting Company.

18 Will counsel please identify
 19 yourselves and state whom you represent?

20 MS. JOINER: Lisa Joiner, on
 21 behalf of Feld Entertainment, Inc.
 22 MS. PETTEWAY: Kara Petteway, on

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1 behalf of Feld Entertainment, Inc.
 2 MS. STRAUSS: Julie Strauss,
 3 in-house counsel, Feld Entertainment, Inc.
 4 MS. OCKENE: Kimberly Ockene of
 5 Meyer Glitzenstein & Crystal, for the
 6 Plaintiffs.

7 VIDEOGRAPHER: Will the court
 8 reporter please swear in the witness.
 9 Whereupon,
 10 NICOLE G. PAQUETTE
 11 was called for examination by counsel and,
 12 having been duly sworn by the Notary, was
 13 examined and testified as follows:

14 VIDEOGRAPHER: Please begin.
 15 MS. JOINER: Okay. We are here
 16 today for the 30(b)(6) deposition of the
 17 Plaintiff, one of the Plaintiffs, Animal
 18 Protection Institute.

19 Would you mark this please as
 20 Exhibit 1.
 21 (Marked, Exhibit # 1, Amended
 22 Notice of Videotaped Deposition of Plaintiff

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1 experts, talking to experts and reading.
 2 Q. Has anybody at API ever handled an
 3 elephant?
 4 A. Handled an elephant? Not to my
 5 knowledge.
 6 Q. And has anybody at API ever
 7 trained an elephant?
 8 A. No.
 9 Q. Has anybody at API ever used or
 10 assisted with protected contact handling of an
 11 elephant?
 12 A. Use or assisted with? I mean only
 13 to the degree that I was at PAWS and was able
 14 to be a marker for an elephant and stood
 15 behind and was told what movement to make for
 16 the elephant to lift her foot.
 17 Q. So what did you do?
 18 A. Well, it was merely raising my
 19 hand at the right time when I was told, and
 20 the elephant knew that that hand gesture meant
 21 to lift her foot.
 22 Q. And how did that elephant know

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1 that?
 2 A. I would a -- well, I'd have to
 3 speculate on that. But she was obviously
 4 trained in the sense of teaching an elephant
 5 how to manage in a protected contact
 6 situation.
 7 Q. Do you know which elephant it was?
 8 A. It was either Wanda or Winkie. I
 9 can't tell them apart.
 10 Q. And this was at PAWS?
 11 A. Yes.
 12 Q. Is there anybody at API that can
 13 perform husbandry on elephants?
 14 A. Not to my knowledge.
 15 Q. And API doesn't have any elephant,
 16 right?
 17 A. No.
 18 Q. And its primate sanctuary does not
 19 have any other types of animals there?
 20 A. There's domestic cats there, but
 21 primates and domestic cats.
 22 Q. But no elephants.

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1 A. No elephants.
 2 Q. Has anybody at API ever assisted
 3 with the birth of a baby elephant?
 4 A. No.
 5 Q. Has anybody at API ever been
 6 involved with elephant breeding?
 7 A. No.
 8 Q. Whether natural or artificial
 9 insemination?
 10 A. No.
 11 Q. Has API had any fundraising events
 12 related to Ringling?
 13 A. Could you describe what you mean
 14 by events?
 15 Q. Well, during the course of the
 16 time today you've made references to events
 17 and I think you've used it in the context of
 18 press conferences or, I forgot one of the
 19 other examples that you gave, a billboard or
 20 something.
 21 A. Mmm-hmm.
 22 Q. Have there been any kind of

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1 fundraising events that API has had regarding
 2 Ringling?
 3 A. No.
 4 Q. Has API done any fundraising
 5 regarding Ringling?
 6 A. Yes.
 7 Q. What kind of fundraising has it
 8 done regarding Ringling?
 9 A. Well, one method of fundraising in
 10 a nonprofit is direct mail. So the circus and
 11 the lawsuit has been a topic in our direct
 12 mail pieces, some of them.
 13 Q. And what is the purpose of
 14 including it in the direct mail, to ask for
 15 funds to assist with the litigation?
 16 A. Direct mail asks, it's either to
 17 acquire new members or to educate your own
 18 members currently, and it's to ask for another
 19 contribution or a new contribution to support
 20 the work of the organization.
 21 Q. Have there been any other
 22 fundraising efforts regarding Ringling aside

1 from the direct mail?
 2 A. We would have done, I don't know
 3 how many, but we would have done, say, an
 4 Action Alert that would have highlighted the
 5 issue, and then at the end said, "If you want
 6 to donate to help us in our efforts, please do
 7 so."
 8 Q. Would there be a little link where
 9 they would, you know, "click here and donate"?
 10 A. Yes.
 11 Q. Are the Action Alerts on-line?
 12 A. Yes.
 13 Q. Are there any other fundraising
 14 efforts by API regarding Ringling?
 15 A. Well, not Ringling specific.
 16 Those would be the ones on the -- the Action
 17 Alerts would have talked about the lawsuit.
 18 The direct mail would have talked about the
 19 lawsuit.
 20 Q. Okay. Are there any other
 21 fundraising events or activities that API does
 22 that would include images of Ringling?

1 A. I believe that our Action Alert
 2 probably contained a picture of Ringling
 3 elephants chained. The direct mail probably
 4 contained that same picture. Our billboards
 5 contain a picture of a Ringling elephant, one
 6 of our billboards.
 7 MS. JOINER: I need to stop at
 8 this time.
 9 MS. OCKENE: Okay.
 10 MS. JOINER: Would you like to go
 11 off the record?
 12 MS. OCKENE: Yeah. I mean, I'll
 13 ask whatever I have to ask tomorrow.
 14 MS. JOINER: Right, because I
 15 think what I was going to tell you is -- let's
 16 go off the record.
 17 VIDEOGRAPHER: This concludes
 18 today's videotape deposition of Ms. Nicole G.
 19 Paquette. Total number of tapes is three.
 20 Going off the record. The time is 4:21.
 21 (Whereupon, the deposition was
 22 adjourned at 4:25 p.m.)

1 CERTIFICATE OF NOTARY PUBLIC
 2 I, Lynell C.S. Abbott, the officer
 3 before whom the foregoing deposition was
 4 taken, do hereby certify that the witness,
 5 whose testimony appears in the foregoing
 6 deposition, was duly sworn by me; that the
 7 testimony of said witness was taken by me in
 8 shorthand and thereafter reduced to computer
 9 type under my direction; that said deposition
 10 is a true record of the testimony given by
 11 said witness; that I am neither counsel for,
 12 related to, nor employed by any of the parties
 13 to which this deposition was taken; and
 14 further, that I am not a relative or employee
 15 of any attorney or counsel employed by the
 16 parties hereto, nor financially or otherwise
 17 interested in the outcome of the action.
 18
 19 _____
 20 Notary Public in and for
 21 The District of Columbia
 22 My Commission Expires:
 April 30, 2012