

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

**REPLY IN SUPPORT OF FELD ENTERTAINMENT INC.'S  
MOTION TO DISMISS, OR IN THE ALTERNATIVE TO STAY,  
MEYER GLITZENSTEIN & CRYSTAL'S COUNTERCLAIM**

**EXHIBIT 1**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE :  
 PREVENTION OF CRUELTY TO :  
 ANIMALS, et al. : VOLUME I  
 :  
 Plaintiff :  
 :  
 vs. : Case No.  
 : 03-02006  
 FELD ENTERTAINMENT, INC. :  
 :  
 Defendant :

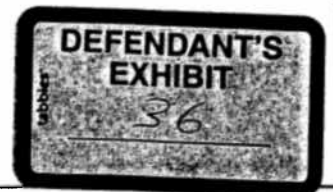
Washington, D.C.

Tuesday, December 18, 2007

Videotaped Deposition of:

TOM EUGENE RIDER

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. 20004, before  
 Lori Buckner, RPR, CRR, a Notary Public in and  
 for the District of Columbia, beginning at  
 9:37 A.M., when were present on behalf of the  
 respective parties:



Page 182	Page 184
<p>1 <b>spoke to Kathy Meyer, but we decided --</b>  2 MS. MEYER: Okay. Just don't -- I  3 don't want you to reveal any attorney/client  4 communications --  5 THE WITNESS: Oh, yes. I'm sorry.  6 Okay.  7 MS. MEYER: -- about the  8 litigation.  9 THE WITNESS: All right.  10 BY MR. SIMPSON:  11 Q. Well, the question was: What did  12 you do after you left PAWS?  13 <b>A. I went to Pat CuvIELlo's house.</b>  14 Q. And how long did you stay there?  15 <b>A. I wasn't there but a couple days,</b>  16 <b>so I could obtain a bus ticket -- bus pass,</b>  17 <b>excuse me.</b>  18 Q. And what did you do after that?  19 <b>A. I started my media campaign</b>  20 <b>against Ringling Brothers' abuse of elephants.</b>  21 Q. And you indicated in your earlier  22 answer, that "it was decided."</p>	<p>1 what -- what she said.  2 MS. MEYER: And again, don't  3 reveal any communications we had about the  4 litigation itself --  5 THE WITNESS: About the  6 litigation, okay.  7 MS. MEYER: -- strategy about the  8 litigation.  9 THE WITNESS: All right. I follow  10 you, then.  11 Okay. Strictly about -- I -- we  12 were discussing whether, you know, how could  13 we keep them -- keep the media -- get the --  14 keep the media attention focused on, you know,  15 everything about the circus and the treatment  16 of animals -- or the treatment of the  17 elephants.  18 And I said, well, you know, I  19 could go out on Greyhound. They have a  20 Ameripass, which gives you 30 or 60 days,  21 whatever you want to buy -- excuse me -- to go  22 out on the road.</p>
<p>Page 183</p> <p>1 Who decided that you would do  2 this?  3 <b>A. That I would go out and do media?</b>  4 Q. Yes.  5 <b>A. That's -- I thought it was</b>  6 <b>attorney/client privilege --</b>  7 MS. MEYER: No, I just said you  8 can't discuss any communications with him  9 about the litigation --  10 THE WITNESS: Oh, I'm sorry --  11 MS. MEYER: Tom, let me finish.  12 Just so you're not rushing here. I just said  13 you can't discuss any communication about the  14 litigation.  15 THE WITNESS: Oh, okay. All  16 right.  17 Kathy Meyer.  18 BY MR. SIMPSON:  19 Q. It was decided by Ms. Meyer that  20 you would continue this media campaign?  21 <b>A. It was a discussion between us.</b>  22 Q. And at the time -- well, tell me</p>	<p>Page 185</p> <p>1 And I said -- she contacted the  2 other plaintiffs, and decided at that point  3 that it would be a good idea to continue the  4 media effort and the public awareness. And at  5 that point, it was made the decision to go  6 onto the road and continue my media effort, as  7 it's going to today.  8 BY MR. SIMPSON:  9 Q. Whose idea was it to do this?  10 <b>A. It was a -- a very mutual -- I --</b>  11 <b>I mean, it had been -- because I'd been doing</b>  12 <b>media already, and got quite a bit of</b>  13 <b>coverage. So we knew that this was a good way</b>  14 <b>to -- being as I was the only person that's</b>  15 <b>ever spoke out against Ringling, it would be a</b>  16 <b>good way for, you know, the public and, you</b>  17 <b>know, the people of the United States to be</b>  18 <b>aware of what happens at Ringling.</b>  19 Q. Who raised the concept of you  20 continuing this, first?  21 <b>A. I would say that it was mutual.</b>  22 <b>It was just a -- probably between me and Pat</b></p>

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1 **Cuviello, probably started talking about doing**  
 2 **media, and then I believe I called Kathy and**  
 3 **said, you know, hey, you know, what -- you**  
 4 **know, we've got to keep this media going, you**  
 5 **know, I -- I wanted to stay with the media and**  
 6 **stay with the lawsuit, and I knew that it was**  
 7 **going to be a long period of time, and we knew**  
 8 **that, you know, the media was a good thing to**  
 9 **-- for the public.**  
 10 Q. So it's your testimony, sir, that  
 11 it was your idea to continue this media  
 12 campaign?  
 13 **A. Yes, sir.**  
 14 Q. Having discussed it with Pat  
 15 Cuviello.  
 16 **A. Yes.**  
 17 Q. And you raised this with Ms.  
 18 Meyer?  
 19 **A. Yes, sir, when we were talking**  
 20 **about the future.**  
 21 Q. All right. And what -- and at  
 22 what point in that -- first of all, when did

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1 come a point in time in that conversation when  
 2 the concept of money was discussed?  
 3 **A. Well, yes.**  
 4 Q. All right. And what was your  
 5 discussion about with respect to money?  
 6 **A. How could we -- how could -- how**  
 7 **much would a bus pass cost, how much would I**  
 8 **need for expenses.**  
 9 Q. Who raised that subject in the  
 10 conversation?  
 11 **A. Oh, I couldn't -- I don't remember**  
 12 **who raised it.**  
 13 Q. Do you remember whether it was  
 14 you?  
 15 **A. I don't -- I don't recall.**  
 16 **Probably, because I'm the one that brought up**  
 17 **the Greyhound bus pass, so I'm sure it was me,**  
 18 **because I -- I knew the only way I could do it**  
 19 **was Greyhound.**  
 20 Q. And you discussed the concept of  
 21 being paid your expenses; is that correct?  
 22 **A. Yes.**

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1 that conversation occur?  
 2 **A. May something.**  
 3 Q. 2001?  
 4 **A. 2001, yes.**  
 5 Q. Was this before or after you sent  
 6 the letter to Ms. Derby?  
 7 **A. Oh, it was before that.**  
 8 Q. So before May 14th, 2001?  
 9 **A. Shortly after the settlement with**  
 10 **Ringling.**  
 11 Q. But before you sent that letter.  
 12 **A. Yes.**  
 13 Q. And what did you discuss in this  
 14 conversation with Ms. Meyer?  
 15 **A. Just what --**  
 16 MS. MEYER: Asked and answered. I  
 17 think you've covered that already.  
 18 THE WITNESS: Media.  
 19 BY MR. SIMPSON:  
 20 Q. And was it in person, or by phone?  
 21 **A. By phone.**  
 22 Q. At what point in that -- did there

Page 189

1 Q. And did you mention the concept of  
 2 a salary?  
 3 **A. No. I wouldn't do this for pay.**  
 4 Q. At the time that you were having  
 5 this discussion with Ms. Meyer, who did you  
 6 think was going to pay for this?  
 7 **A. I didn't have no clue. I didn't**  
 8 **have any idea who would pay for any of it. I**  
 9 **was -- you know, it's just -- we were talking**  
 10 **about how could we -- how could we do this?**  
 11 **You know, it's just like normal conversation**  
 12 **people have. How can we continue our media?**  
 13 **And you know, well, it's going to cost a bus**  
 14 **ticket; we knew how much that was, and hey,**  
 15 **it's going to cost -- you know, I've got to --**  
 16 **if I get into a town and I have to get a motel**  
 17 **or if I have to eat, you know, it's -- I did**  
 18 **not want -- there was no discussion, ever, of**  
 19 **any money coming to me as a form of payment to**  
 20 **do this. Absolutely none. It was all about**  
 21 **expenses.**  
 22 Q. Well, after this conversation that

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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 Cuiello'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 Cuiello'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**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs :

vs. : Case No.  
: 03-02006

FELD ENTERTAINMENT, INC. :

Defendant :

Washington, D.C.

Wednesday, December 19, 2007

Continued Videotaped Deposition of:

TOM EUGENE RIDER

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. 20004, before  
Renee A. Feder, CSR, a Notary Public in and  
for the District of Columbia, beginning at  
9:30 a.m., when were present on behalf of the  
respective parties:

Page 485	Page 487
<p>1 about?</p> <p>2 <b>A. That would have been when I</b></p> <p>3 <b>started on -- when I got the Greyhound back in</b></p> <p>4 <b>May of 2001.</b></p> <p>5 Q. Well, you testified previously in</p> <p>6 May of 2001 you received money from Meyer,</p> <p>7 Glitzenstein &amp; Crystal. Correct?</p> <p>8 <b>A. Oh, from Wild -- I am sorry.</b></p> <p>9 Q. I am talking about WAP.</p> <p>10 <b>A. I am sorry.</b></p> <p>11 Q. There came a point in time, sir,</p> <p>12 when you began to receive money from WAP.</p> <p>13 Correct?</p> <p>14 <b>A. Yes, sir.</b></p> <p>15 Q. How did that, how did that money</p> <p>16 receipt come about?</p> <p>17 <b>A. Started out Western Union.</b></p> <p>18 Q. Did you have discussions with</p> <p>19 anyone about this before it started?</p> <p>20 <b>A. I believe so. My attorney.</b></p> <p>21 Q. Who did you discuss it with?</p> <p>22 <b>A. Kathy.</b></p>	<p>1 Q. But was there -- did you have any</p> <p>2 discussions with Ms. Meyer in this situation</p> <p>3 that you just described about how the payments</p> <p>4 from WAP were to take place in the future?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. What was your understanding of how</p> <p>7 that was going to work?</p> <p>8 <b>A. Western Union in the beginning.</b></p> <p>9 Q. How long were the payments to</p> <p>10 last?</p> <p>11 <b>A. That could be when -- as long as</b></p> <p>12 <b>we had the grant money.</b></p> <p>13 Q. So as far as you were concerned,</p> <p>14 it was forever?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Did you have an expectation that</p> <p>17 the money would end when the lawsuit was over?</p> <p>18 <b>A. Well, obviously.</b></p> <p>19 Q. As long as this lawsuit was</p> <p>20 pending, you would get this money from WAP?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Well, let's put it this way. If</p>
<p>1 Q. What did she tell you?</p> <p>2 MS. MEYER: You can answer</p> <p>3 questions about communications you had with me</p> <p>4 concerning funding, but not about the lawsuit.</p> <p>5 THE WITNESS: Okay, I am sorry, I</p> <p>6 was just making sure.</p> <p>7 I would call her and we were just</p> <p>8 trying to figure out how -- that we had a</p> <p>9 grant given to us. We have to figure out how</p> <p>10 do we get that grant to me. I said Western</p> <p>11 Union until the time we changed over to FedEx.</p> <p>12 BY MR. SIMPSON:</p> <p>13 Q. Who initiated the phone call?</p> <p>14 <b>A. I don't remember.</b></p> <p>15 Q. Whose idea was it to give you the</p> <p>16 money through WAP?</p> <p>17 <b>A. That would have been Kathy.</b></p> <p>18 Q. And what was your understanding as</p> <p>19 to how this was going to take place after this</p> <p>20 grant -- it was a grant from someone else?</p> <p>21 <b>A. I don't know. I am not privileged</b></p> <p>22 <b>to that.</b></p>	<p>1 the lawsuit was over tomorrow, would you still</p> <p>2 expect to get paid by WAP?</p> <p>3 <b>A. No.</b></p> <p>4 Q. When you discussed this money,</p> <p>5 with Ms. Meyer, did you discuss the amount?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. What was the discussion about the</p> <p>8 amount?</p> <p>9 <b>A. What it would cost me on</b></p> <p>10 <b>Greyhound. And that never changed.</b></p> <p>11 Q. What was your understanding of</p> <p>12 what you were going to be paid in terms of the</p> <p>13 amount?</p> <p>14 <b>A. My grants were supposed to be -- I</b></p> <p>15 <b>was supposed to get like \$250 a week like I</b></p> <p>16 <b>was getting before. I think it was every two</b></p> <p>17 <b>weeks. I believe it was -- it was \$250 a week</b></p> <p>18 <b>at that time when I was on Greyhound.</b></p> <p>19 Q. And there came a point in time</p> <p>20 when you were not on Greyhound. Correct?</p> <p>21 <b>A. Yes. Uh-huh.</b></p> <p>22 Q. Did the amount of money from WAP</p>

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1 change?  
 2 **A. Yes.**  
 3 Q. How did it change?  
 4 **A. It increased because of my van.**  
 5 Q. How much did it increase by?  
 6 **A. \$250 a week.**  
 7 Q. So you were now getting \$500 a  
 8 week?  
 9 **A. Yes.**  
 10 Q. Or 1000 every two weeks?  
 11 **A. Yes, that is easier.**  
 12 Q. Were the terms of this grant ever  
 13 reduced to writing?  
 14 **A. I don't remember that, no.**  
 15 Q. What was your understanding as to  
 16 what you were supposed to do for this grant?  
 17 **A. Media and public education about**  
 18 **the abuse of the elephants at Ringling**  
 19 **Brothers.**  
 20 Q. When you say media, what do you  
 21 mean?  
 22 **A. Any and all media that I could**

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1 **obtain wherever I go. Be it newspaper, radio,**  
 2 **television.**  
 3 Q. You mean dealing with the press?  
 4 **A. Yes.**  
 5 MS. MEYER: Mr. Simpson, please  
 6 let him finish answering the question before  
 7 you ask your next question.  
 8 BY MR. SIMPSON:  
 9 Q. So dealing with the press?  
 10 **A. Yes.**  
 11 Q. So newspaper, television.  
 12 Correct?  
 13 **A. Yes.**  
 14 Q. Any other form of media?  
 15 **A. Radio, TV, newspapers. I don't**  
 16 **know if there is any more kind of media.**  
 17 **Radio, TV. It was mainly radio, TV and**  
 18 **newspapers.**  
 19 Q. When you say a public education  
 20 campaign, what do you mean?  
 21 **A. Speaking to grassroot groups,**  
 22 **speaking to state legislators, government**

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1 **legislators, Congress. Whatever, whoever that**  
 2 **wanted to obtain, say, a ban on bullhooks or a**  
 3 **ban on circuses. So public education would be**  
 4 **like Greensburg, New York where we banned**  
 5 **circuses with animals.**  
 6 Q. When you had this discussion with  
 7 Ms. Meyer, were you given any directions on  
 8 how to account for the money you were being  
 9 paid?  
 10 **A. Just hang on to receipts. Just,**  
 11 **you know -- no instructions. It was -- it was**  
 12 **my expenses. Whatever it took me.**  
 13 Q. What did she tell you about  
 14 keeping your receipts?  
 15 **A. Do the best I can.**  
 16 Q. And what specifically did she tell  
 17 you to do with them?  
 18 **A. Put it in my van.**  
 19 Q. And then do what with them?  
 20 **A. Send them to the office.**  
 21 Q. Were you supposed to do anything  
 22 else in terms of accounting for the money you

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1 were being paid?  
 2 **A. It was all whatever it took me to**  
 3 **do expenses.**  
 4 Q. Were you given any direction on  
 5 what you could spend the money on?  
 6 **A. No, anything I needed for my**  
 7 **expenses.**  
 8 Q. This would include any living  
 9 expenses that you had?  
 10 **A. Any and all expenses.**  
 11 Q. Of any description whatsoever?  
 12 **A. Any.**  
 13 Q. In terms of the way these grants  
 14 to you worked --  
 15 **A. Excuse me?**  
 16 Q. That is your terminology. Grants.  
 17 **A. Grant, I am sorry.**  
 18 Q. In the terms of the way these  
 19 grants to you worked from WAP, did you have  
 20 discussions with anyone else about it other  
 21 than Ms. Meyer?  
 22 MS. MEYER: I am sorry, can you



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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

Plaintiff :

vs. : Case No.  
: 03-02006

FELD ENTERTAINMENT, INC. :  
:  
Defendant :

Washington, D.C.  
Friday, December 21, 2007

Videotaped Deposition of:

THE WILDLIFE ADVOCACY PROJECT  
Designated Representative  
ERIC R. GLITZENSTEIN,

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. 20004, before  
Lynell C.S. Abbott, a Notary Public in and for  
the District of Columbia, beginning at 9:32  
a.m., when were present on behalf of the  
respective parties:

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1 A. Not that we've uncovered. I mean  
 2 we've done a thorough search. And I think as  
 3 reflected in my declaration, what I can say is  
 4 that we've done a thorough search of the  
 5 materials we've given you we've come up with.  
 6 You know, is it conceivable that something  
 7 else is out there, another letter? It's  
 8 conceivable, but we've done a thorough, good  
 9 faith, conscientious search several times.  
 10 And so based upon everything I've seen and  
 11 understand, there are no other letters.  
 12 Q. We have essentially either weekly  
 13 or biweekly letters to Mr. Rider covering  
 14 mid-August 2005 up through the current time  
 15 and none before then, and most of those  
 16 letters contain your signature. Is that  
 17 right?  
 18 A. Correct.  
 19 Q. Did you sign any letters for Mr.  
 20 Rider prior to that time frame?  
 21 A. I don't believe so.  
 22 Q. Was it your regular practice to

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1 send checks with letters prior to that time  
 2 frame?  
 3 A. No.  
 4 Q. Why did WAP begin sending letters  
 5 with the checks in August of 2005?  
 6 A. We decided that would be a good  
 7 organizational practice as an additional  
 8 documentation of where we understood Mr. Rider  
 9 was focusing his media efforts. We always  
 10 understood what he was doing and where he was  
 11 going.  
 12 I think as the prior information  
 13 reflects, that has always been the  
 14 organizational understanding. But we decided  
 15 it would be prudent to send a letter just  
 16 reflecting our understanding based upon what  
 17 he told us as to where he was going to be  
 18 focusing his media efforts, whether he was  
 19 going to be in that city or otherwise engaging  
 20 in media in connection with the circus's  
 21 travel to that location.  
 22 Q. Was that decision influenced in

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1 any way by the fact that WAP received a  
 2 subpoena in this case just a month earlier?  
 3 A. Yes.  
 4 Q. Who discussed that?  
 5 A. I think it was my decision to do  
 6 it. I can't recall any discussion,  
 7 specifically.  
 8 Q. Did Ms. Meyer participate in that  
 9 decision?  
 10 A. I probably told her that I thought  
 11 it made sense to do that in order to have a  
 12 record of what we always understood was going  
 13 on. And I think she probably agreed to that  
 14 just purely from the standpoint of having a  
 15 written record of what our understanding of  
 16 what Mr. Rider was doing.  
 17 Recordkeeping has never been, you  
 18 know, the highest priority. We have always  
 19 had a good sense of what Mr. Rider was doing.  
 20 We felt comfortable with what he was doing. I  
 21 probably ran it by her that this was a prudent  
 22 thing to do because we, in fact, felt

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1 comfortable with what Mr. Rider was up to.  
 2 Q. Did anyone at WAP discuss with Mr.  
 3 Rider the fact that WAP got a subpoena in this  
 4 case?  
 5 A. I can't recall.  
 6 Q. Who would know?  
 7 A. I don't think -- I mean I'm sure  
 8 Mr. Rider at some point learned that there was  
 9 a subpoena. But I have no idea who would have  
 10 discussed that with him.  
 11 Q. Was Mr. Rider told that letters  
 12 would start being attached to his checks?  
 13 A. I can't recall.  
 14 Q. Was he told to save them? The  
 15 letters.  
 16 A. I can't recall if we told --  
 17 again, our approach with Mr. Rider has been --  
 18 again, I don't want to, in terms of what was  
 19 told Mr. Rider who is a Plaintiff in the case,  
 20 I want to make sure that I'm clear about  
 21 instructions from counsel to Mr. Rider, which  
 22 is a matter between Mr. Rider's counsel acting

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE	:	VOLUME II
PREVENTION OF CRUELTY TO	:	
ANIMALS, et al.	:	
	:	
Plaintiffs	:	
	:	
vs.	:	Case No.
	:	03-2006
FELD ENTERTAINMENT, INC.	:	
	:	
Defendant	:	

Washington, D.C.  
Tuesday, January 29, 2008

Continued Videotaped Deposition of:

THE WILDLIFE ADVOCACY PROJECT  
Designated Representative  
ERIC R. GLITZENSTEIN,

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. 20004, before Renee A. Feder, CSR, a Notary Public in and for the District of Columbia, beginning at 2:00 p.m., when were present on behalf of the respective parties:

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1 payments if they wanted to become a plaintiff  
 2 in this case?  
 3 **A. WAP does not know that.**  
 4 Q. Sir, if I can refer your attention  
 5 back to Exhibit 11 from the first part of this  
 6 deposition. It is two letters written by  
 7 Nicole Paquette on behalf of API. We have  
 8 discussed these last time and we discussed the  
 9 change in the terminology.  
 10 MR. TRISTER: Excuse me, what  
 11 number?  
 12 MR. GASPER: I am sorry, exhibit  
 13 Number 11.  
 14 MR. TRISTER: Thank you.  
 15 BY MR. GASPER:  
 16 Q. There is a change of terminology  
 17 in April of 2005 to the Ringling Bros. and  
 18 Barnum & Bailey case to January, 2007,  
 19 Ringling Bros. and Barnum & Bailey PR efforts.  
 20 Do you see that, sir?  
 21 **A. Yes.**  
 22 Q. Did anyone affiliated with WAP ask

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1 API to change the terminology it was using?  
 2 **A. No.**  
 3 Q. Does anyone affiliated with WAP  
 4 have reason to know why the change might have  
 5 been made?  
 6 **A. No. The only thing I have**  
 7 **discussed with Ms. Meyer, because I know you**  
 8 **asked about this before, and the only thing**  
 9 **that I would say is to reinforce what I**  
 10 **testified to previously, which is that in**  
 11 **public interest litigation like this, when you**  
 12 **get involved in a case where you know that**  
 13 **there is going to be public relations efforts**  
 14 **relating to the litigation from both the**  
 15 **standpoint of putting forth your views, but**  
 16 **also understanding that the other side is**  
 17 **going to demonize what you have done, and**  
 18 **criticize what you have done in the media, and**  
 19 **launch its own multimillion dollar campaign to**  
 20 **discredit your lawsuit, it would be extremely**  
 21 **foolhardy, frankly, for plaintiff**  
 22 **organizations in a situation like that not to**

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1 **look for an appropriate way of advocating on**  
 2 **behalf of what they are trying to accomplish**  
 3 **in the lawsuit, which in this case is**  
 4 **safeguarding the elephants that are being**  
 5 **mistreated by Ringling Bros. Barnum & Bailey**  
 6 **Circus and Feld Entertainment.**  
 7 **So our view would be, just**  
 8 **speaking on behalf of WAP, and the purpose of**  
 9 **Mr. Rider's public education campaign, that**  
 10 **the distinction between the case and the PR**  
 11 **efforts, which is intertwined with the purpose**  
 12 **of the case, is a meaningless distinction.**  
 13 Q. Sir, you have testified previously  
 14 that Ms. Meyer has spoken with Mr. Rider about  
 15 the issue of these payments. Is that correct?  
 16 **A. That is a pretty broad question.**  
 17 **But she, certainly, had discussions with**  
 18 **Mr. Rider about the payments.**  
 19 Q. Last time we spoke at the prior  
 20 part of this deposition you said Ms. Meyer had  
 21 communications with Mr. Rider concerning the  
 22 payments. Is that correct?

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1 **A. I think, yeah, in general, yes.**  
 2 Q. Sir, when was Mr. Rider first  
 3 asked to send receipts to WAP?  
 4 **A. We have talked about that. I**  
 5 **discussed that with both Ms. Meyer and**  
 6 **Ms. Mink and we don't have any specific**  
 7 **recollection about when that happened. It was**  
 8 **at some point before the first subpoena that**  
 9 **was issued. It was when we started to collect**  
 10 **those. But beyond that, no one can recall**  
 11 **precisely when Mr. Rider first started to send**  
 12 **those in.**  
 13 Q. Sir, did WAP ever receive any  
 14 receipts from Mr. Rider that have not been  
 15 produced to us pursuant to the subpoenas?  
 16 **A. Not that we are in possession of.**  
 17 Q. Does WAP recall whether or not it  
 18 had possession of such receipts at some point  
 19 but no longer has them in their possession?  
 20 **A. I don't believe we have ever**  
 21 **received a receipt from Mr. Rider that we**  
 22 **haven't provided to you.**