

**EXHIBIT EE**

**MOTION FOR PARTIAL SUMMARY JUDGMENT BY  
DEFENDANTS KATHERINE MEYER, ERIC GLITZENSTEIN, AND  
MEYER GLITZENSTEIN & CRYSTAL**

Civ. No. 07-1532 (EGS/JMF)



1 APPEARANCES:

2

3 On behalf of the Plaintiffs:

4 KIMBERLY OCKENE, ESQ.

5 Meyer Glitzenstein & Crystal

6 1601 Connecticut Avenue, N.W.

7 Washington, D.C. 20009

8 (202) 588-5206

9

10 On behalf of the Defendants:

11 MAURA A. DALTON, ESQ.

12 Covington & Burling

13 1201 Pennsylvania Avenue, N.W.

14 Washington, D.C. 20004

15 (202) 662-5263

16

17 ALSO PRESENT:

18 ELLEN HEBERT, Videographer

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C O N T E N T S

WITNESS	EXAMINATION BY COUNSEL FOR	
LISA WEISBERG	DEFENDANTS	
By Ms. Dalton		7
	PLAINTIFFS	
By Ms. Ockene		228

Afternoon Session - Page 139

E X H I B I T S

ASPCA EXHIBIT NO.		PAGE NO.
1 - Notice of Deposition of Plaintiff	American Society for the Prevention	9
	of Cruelty to Animals	
2 - Lobbying Report		20
3 - Plaintiff American Society for	Prevention of Cruelty to Animals'	24
	Responses and Objections to Defendants'	
	First Set of Interrogatories	
4 - ASPCA request for check		36
5 - ASPCA request for check		39
6 - ASPCA request for check		40
7 - ASPCA request for check		43
8 - ASPCA request for check		48

1 longer own any of its elephants?

2 A. Not necessarily.

3 Q. Are you asking that the elephants no  
4 longer perform in the circus?

5 A. Yes.

6 Q. Is the ASPCA receiving any funding for  
7 this lawsuit from groups that are not parties to this  
8 case?

9 A. Not specifically.

10 Q. How much money does the ASPCA spend each  
11 year gathering information about Ringling Bros.?

12 A. Well, currently, none.

13 Q. In the past, have you?

14 A. Yes.

15 Q. And in what years?

16 A. 19 -- sorry, 2002 and 2003.

17 Q. Let's start with 2002. How much money did  
18 you spend that year gathering information about  
19 Ringling Bros. approximately?

20 A. Approximately \$18,000.

21 Q. And what was that money spent on?

22 A. It was spent on Tom Rider's speaking with  
23 the media across the country and gathering additional  
24 information about the treatment of the elephants by  
25 Ringling Bros.

1 Q. When you say gathering additional  
2 information about the treatment of elephants by  
3 Ringling Bros., what do you mean?

4 A. Well, he would try to see the elephants,  
5 he would note their despondent state, their  
6 performance of unnatural acts and basically do public  
7 education, testify at hearings in support of  
8 legislation to ban exotic animals in traveling acts.

9 Q. So besides -- I'm sorry, excluding Tom  
10 Rider's efforts to gather additional information  
11 about the treatment of elephants by Ringling Bros.,  
12 did the ASPCA spend any money or any -- let's start  
13 with any time trying to gather information about the  
14 treatment of elephants by Ringling Bros.?

15 A. Yes. We made various Freedom of  
16 Information requests to USDA for documents that we  
17 believed we were entitled to, filed by USDA  
18 inspectors citing Ringling Bros.' violation of the  
19 Animal Welfare Act.

20 Q. Do you pay any people to gather  
21 information regarding Ringling Bros.?

22 A. No.

23 Q. Has it ever paid anybody at Ringling Bros.  
24 for information about the circus?

25 A. No.

1 Q. Moving along to 2003, how much money  
2 approximately did the ASPCA spend that year gathering  
3 information about Ringling Bros.?

4 A. \$22,000.

5 Q. And what was that money spent on?

6 A. Again, it was to support Tom Rider in his  
7 public outreach efforts and in speaking with the  
8 media about the various violations engaged in by  
9 Ringling Bros.

10 Q. And in addition to providing Tom Rider  
11 with financial support, did the ASPCA spend any other  
12 time or money gathering information about Ringling  
13 Bros. during 2003?

14 A. There may have been some further attempts  
15 to obtain documents from the USDA on Ringling  
16 Bros. -- I'm sorry, USDA inspectors citing Ringling  
17 Bros. for violating the Animal Welfare Act.

18 Q. And in 2003, you didn't pay anybody else  
19 to gather information about Ringling Bros.?

20 A. No.

21 MS. DALTON: I would like to mark Exhibit  
22 Number 4.

23 (ASPCA Exhibit No. 4 was  
24 marked for identification.)

25 BY MS. DALTON:

1 Q. And this is a request for a check dated  
2 December 24, 2002.

3 A. Okay.

4 Q. Correct?

5 A. Yes.

6 Q. And this was included as part of the  
7 ASPCA's production to Ringling Bros., correct?

8 A. I'm sorry, can you repeat that?

9 Q. This document was included as part of  
10 ASPCA's production to defendants, correct?

11 A. Correct.

12 Q. And the two expenditures listed on the  
13 check request are Ringling Bros. appeal and USDA  
14 enforcement report, correct?

15 A. Correct.

16 Q. And then the next page, which was Bates  
17 numbered by the ASPCA as A-00897, appears to be an  
18 invoice from Meyer Glitzenstein for the same -- it  
19 appears as though the check request corresponds with  
20 that invoice.

21 A. Yes.

22 Q. What is the enforcement report that is  
23 referred to in this invoice?

24 A. That is a compilation of the various  
25 documents that we subsequently received from USDA



1 with USDA inspectors citing violations by Ringling  
2 Bros.

3 Q. Is this the report that you've entitled  
4 government-sanctioned abuse that was produced to the  
5 defendants in this case?

6 A. Yes.

7 Q. And what are the contents of this report  
8 generally?

9 A. It discusses the conditions and subsequent  
10 death of Kenny, it talks about the death of Benjamin,  
11 it talks about the USDA's policy of nonenforcement of  
12 the -- not pursuing prosecution of the various  
13 violations cited by USDA inspectors.

14 Q. Are there drafts of this report?

15 A. No.

16 Q. Whose idea was it to draft this report?

17 A. The plaintiffs.

18 Q. So when you say the plaintiffs, you mean  
19 the ASPCA, the Fund For Animals, Animal Welfare  
20 Institute and Tom Rider?

21 A. Correct.

22 Q. When was it decided to draft this report?

23 A. I believe it was sometime in 2002.

24 Q. So this was after the lawsuit was filed?

25 A. Yes.

1 Q. Was this report generated as part of your  
2 efforts in this lawsuit?

3 A. I don't recall.

4 Q. Who wrote the report?

5 A. It was drafted and edited by the various  
6 plaintiffs.

7 Q. Was the ASPCA responsible for a piece of  
8 the report?

9 A. Not specifically.

10 Q. To whom was this report disseminated?

11 A. To the public at large.

12 Q. How was it disseminated to the public at  
13 large?

14 A. We issued a press release about it, we  
15 forwarded it to various media outlets who were  
16 interested in it, it was posted on some of our  
17 websites.

18 Q. How did you decide which groups would  
19 participate in drafting this report?

20 A. I don't recall.

21 MS. DALTON: I would like to mark Exhibit  
22 5.

23 (ASPCA Exhibit No. 5 was  
24 marked for identification.)

25 BY MS. DALTON:

1 Q. This is a check request for Meyer  
2 Glitzenstein dated July 17th, 2003, correct?

3 A. Correct.

4 Q. And your name is again the person who  
5 requested the check, correct?

6 A. Correct.

7 Q. And the reason given for the check is work  
8 on Ringling Bros. suit, dash, enforcement report?

9 A. Correct.

10 Q. Does this mean that the enforcement report  
11 was seen as part of the Ringling Bros. suit?

12 A. It was separate, but it was certainly  
13 based on the Freedom of Information Act and what is  
14 considered publicly available documents. We were  
15 simply disseminating public information to the public  
16 at large.

17 MS. DALTON: I would like to mark Exhibit  
18 6.

19 (ASPCA Exhibit No. 6 was  
20 marked for identification.)

21 BY MS. DALTON:

22 Q. This is another request for a check to  
23 Meyer Glitzenstein from the ASPCA, correct?

24 A. Correct.

25 Q. And who is Patricia E. Jones who requested

1 this check?

2 A. She was our vice president of media  
3 relations at the time.

4 Q. Did you ask Ms. Jones to request this  
5 check?

6 A. I don't recall.

7 Q. Can you turn to the next page, which is  
8 A-00895, and take a look at that? Does that help you  
9 recall whether or not you asked Ms. Jones to issue  
10 this check?

11 A. I believe we had a discussion regarding  
12 which account this would be billed to.

13 Q. Between media --

14 A. And government affairs.

15 Q. -- and government affairs. What services  
16 were included in this media support that the funds  
17 were going to pay for?

18 A. Again, I believe it was for the  
19 dissemination of the report, copies and dissemination  
20 of the report to the media.

21 Q. So this specific check request was also in  
22 regards to the enforcement report?

23 A. Yes.

24 Q. So there were no other media support  
25 efforts separate from the enforcement report that

1 were compensated through this check request?

2 A. I don't believe so.

3 Q. Were any of the services provided in this  
4 media support provided by Tom Rider?

5 A. Yes.

6 Q. And what did Tom Rider do in regards to  
7 this media support?

8 A. He would meet with various reporters and  
9 media channels to discuss his experience with  
10 Ringling Bros. and the training of the elephants.

11 Q. Do you know if any of the funds provided  
12 in this check went to Mr. Rider as compensation for  
13 those efforts?

14 A. Some of the copies of the report may have  
15 been given to Mr. Rider to accompany his visits to  
16 the media.

17 Q. But that's the only type of compensation  
18 that was provided to Mr. Rider through this?

19 A. Correct.

20 Q. Do you know who at Meyer Glitzenstein  
21 provided this media support?

22 A. I believe it was Darcy Kemitz at the time.

23 Q. And who is Ms. Kemitz?

24 A. She used to work for the Wildlife Advocacy  
25 Project at Meyer Glitzenstein.

1 Q. What is the Wildlife Advocacy Project?

2 A. It's a 501(c)(3) organization.

3 Q. And is it associated with Meyer &  
4 Glitzenstein?

5 A. Yes.

6 Q. How so?

7 A. It is a -- I'm not sure I can fully answer  
8 that.

9 Q. Just whatever you know about it.

10 A. My understanding is it is an organization  
11 that was created by Meyer & Glitzenstein to advocate  
12 for the humane treatment of wildlife and preservation  
13 of habitat.

14 MS. DALTON: I would like to mark Exhibit  
15 Number 7.

16 (ASPCA Exhibit No. 7 was  
17 marked for identification.)

18 BY MS. DALTON:

19 Q. And this is another check request for  
20 Meyer & Glitzenstein dated April 4th, 2002, correct?

21 A. Correct.

22 Q. And it was requested by you?

23 A. Yes.

24 Q. And the reason given for the reimbursement  
25 is -- it says, "Reimbursement for money given to Tom

1 Rider exceeding the \$6,000 grant to the Wildlife  
2 Advocacy Project for first quarter 2002."

3 A. Correct.

4 Q. And I can't really read this writing in  
5 the parenthetical. It looks as though it says 400 of  
6 this, and I don't know if you can help me out with  
7 the end of that.

8 A. Covers zoom camera, charge to capital  
9 budget with a question mark.

10 Q. Okay, thank you. And you said that the  
11 Wildlife Advocacy Project was an organization that  
12 was created by Meyer Glitzenstein to advocate the  
13 humane treatment of wildlife and preservation of  
14 habitat?

15 A. That's correct.

16 Q. Can you tell me a little bit more about  
17 what the Wildlife Advocacy Project does in more  
18 concrete terms?

19 A. I can't.

20 Q. Do you know if certain people at Meyer  
21 Glitzenstein are involved in the Wildlife Advocacy  
22 Project?

23 A. Yes.

24 Q. And who is involved in the Wildlife  
25 Advocacy Project?

1           A.     I believe it's Kathy Meyer and Eric  
2     Glitzenstein.

3           Q.     What is the ASPCA's role in the Wildlife  
4     Advocacy Project?

5           A.     We provided a grant to them to enable Tom  
6     Rider to do his public outreach and education about  
7     the treatment by Ringling Bros. of its Asian  
8     elephants.

9           Q.     And that was what the -- I'm sorry, the  
10    \$6,000 referred to in the check request was this  
11    original grant, correct?

12          A.     Correct.

13          Q.     And the check request for \$526.16 is  
14    additional funding over the original allotment in the  
15    budget for this project?

16          A.     Correct.

17          Q.     And \$400 of this was for a zoom camera?

18          A.     Correct.

19          Q.     Was the zoom camera to be used by  
20    Mr. Rider?

21          A.     Yes.

22          Q.     And for what purpose was the zoom camera  
23    to be used by him?

24          A.     To gather additional information about the  
25    treatment and chaining of the elephants by Ringling



1 Bros.

2 Q. What other activities were covered in the  
3 \$6,000 grant?

4 A. They were to reimburse Tom Rider for his  
5 general living expenses to travel the country and  
6 meet with the media.

7 Q. Did you have any direct -- did you provide  
8 Mr. Rider with any direct payments or were all of  
9 your -- that's my question. Did you provide him with  
10 any direct payments?

11 A. Yes, in 2003, I believe.

12 Q. Did you provide that check request to us?

13 A. I believe I did.

14 MS. DALTON: I don't recall that, so Kim,  
15 if we could perhaps discuss that. We didn't receive  
16 any check request for Mr. Rider specifically.

17 THE WITNESS: Well, they weren't to  
18 Mr. Rider, the check requests. We would either  
19 advance money to him to purchase a Greyhound bus  
20 ticket or to reimburse him for his daily living  
21 expenses or I would prepay his hotel rooms. So there  
22 was never any checks written to Mr. Rider.

23 BY MS. DALTON:

24 Q. So there aren't any documents that would  
25 reflect any of those purchases or any of those

1 monetary advances?

2 A. The hotel rooms were oftentimes put on my  
3 American Express corporate card, and then some of the  
4 other smaller items were reimbursed to him through  
5 petty cash.

6 Q. And those were all in 2003?

7 A. Correct.

8 Q. Can you think of any other direct payments  
9 or in-kind reimbursements to Mr. Rider for any of the  
10 years besides 2003?

11 A. No.

12 Q. Returning to Exhibit 7. So if you could  
13 tell me -- if you could go into more detail as to  
14 what the \$6,000 grant was originally for.

15 A. Again, it was to reimburse Mr. Rider for  
16 his Greyhound bus tickets, to travel the country,  
17 basic day-to-day living expenses, food, lodging.

18 Q. And this was all provided through the  
19 Wildlife Advocacy Project?

20 A. Correct.

21 Q. Did Mr. Rider know that the ASPCA was  
22 providing this funding through the Wildlife Advocacy  
23 Project?

24 A. I believe so.

25 Q. Did Mr. Rider, to your knowledge, receive

1 any additional funds for his participation in this  
2 project from other plaintiffs?

3 A. I can't answer that.

4 Q. You don't know?

5 A. I don't recall.

6 MS. DALTON: I would like to mark Exhibit  
7 8.

8 (ASPCA Exhibit No. 8 was  
9 marked for identification.)

10 BY MS. DALTON:

11 Q. And this is another check request  
12 requested by you for the check made payable to Meyer  
13 & Glitzenstein for, quote, "Tom Rider testimony at  
14 Mass. legislative hearing on anticircus bill,"  
15 correct?

16 A. Correct.

17 Q. And this was dated May 23rd, 2003,  
18 correct?

19 A. Correct.

20 Q. Why did the ASPCA reimburse Mr. Rider for  
21 this testimony?

22 A. That covered his transportation and hotel  
23 costs to get to Massachusetts, to get to Boston to  
24 testify at the hearing.

25 Q. Why did the ASPCA not reimburse Mr. Rider

1 directly for his work on this project?

2 A. At the time, we had no way of getting the  
3 money to Mr. Rider because he was on the road and  
4 Meyer & Glitzenstein was able to wire the money to  
5 him.

6 Q. Did you consult with Mr. Rider about the  
7 contents of his testimony?

8 A. Of the contents of his testimony?

9 Q. Yes, referred to in this exhibit.

10 A. No. Mr. Rider can speak firsthand about  
11 his knowledge of what occurs at Ringling Bros.

12 Q. Did Mr. Rider know that the ASPCA was  
13 providing this funding?

14 A. I believe so.

15 Q. Have any other payments from the ASPCA to  
16 Meyer & Glitzenstein included funds that were  
17 intended to go to Mr. Rider?

18 A. No.

19 MS. DALTON: I would like to mark Exhibit  
20 9.

21 (ASPCA Exhibit No. 9 was  
22 marked for identification.)

23 BY MS. DALTON:

24 Q. And this is an e-mail to Dr. Hawk from you  
25 dated May 7th, 2001, correct?

1 A. Yes.

2 Q. And what is the subject of this e-mail?

3 A. It has to do with Tom Rider, who is the  
4 co-plaintiff on the suit, has just left the  
5 employment of PAWS and --

6 Q. I was actually just asking you what the  
7 subject was.

8 A. I'm sorry. Ringling Bros. lawsuit, Tom  
9 Rider.

10 Q. And in the first sentence, you say that  
11 "Tom Rider, who is a co-plaintiff in the suit and a  
12 former Ringling elephant trainer, had just left the  
13 employ of Pat Derby's group," correct?

14 A. Correct.

15 Q. What is your basis for knowing that  
16 Mr. Rider was an elephant trainer at Ringling Bros.?

17 A. He told me.

18 Q. Why would Tom Rider have left PAWS?

19 A. I can't answer that.

20 Q. Might it be because PAWS dropped out of  
21 this lawsuit?

22 A. I don't recall if that's the only reason.

23 Q. What did you mean by stating that he,  
24 quote, "wanted to ensure he would not be taken off  
25 the suit"?

1 A. I don't recall.

2 Q. Did you speak with Mr. Rider about his  
3 decision to leave PAWS?

4 A. No.

5 Q. Did you speak to Mr. Rider before sending  
6 this e-mail to Dr. Hawk?

7 A. I don't believe I spoke directly to him.

8 Q. Who do you think you learned this  
9 information from?

10 A. I believe I may have learned it from Nancy  
11 Blaney.

12 Q. Why could Rider not be employed if he is  
13 to follow the circus?

14 A. Because he's constantly on the road.

15 Q. Did you ever consider hiring Mr. Rider at  
16 the ASPCA?

17 A. No.

18 Q. Did anybody ever suggest that you do so?

19 A. No.

20 Q. Did you ever discuss this arrangement with  
21 anybody from AWI?

22 A. The arrangement being to --

23 Q. Pay his travel expenses.

24 A. Yes. We discussed how we could fund the  
25 costs for his travels and how we would divide the

1 costs.

2 Q. So you spoke with the two other  
3 plaintiffs, the AWI and the Fund For Animals,  
4 regarding this?

5 A. Yes.

6 Q. Did you decide to pay these expenses  
7 directly?

8 A. Directly to Mr. Rider?

9 Q. Yes.

10 A. I believe at the time, because one of the  
11 difficulties was how to get the money to him because  
12 he was always on the road and didn't have a permanent  
13 home.

14 Q. Yes, you said that, because one of the  
15 difficulties, so --

16 A. So --

17 Q. So you were paying him directly because he  
18 was out on the road?

19 A. We were not paying him directly at the  
20 time.

21 Q. Okay. So let's just clear -- because you  
22 answered yes. I think my question was a little  
23 convoluted. So did you pay him directly for these  
24 travel expenses?

25 A. No, not at that time.

1 Q. How did you pay him?

2 A. The money was wired to wherever he was  
3 through Western Union by Meyer & Glitzenstein and  
4 then we would be invoiced for it.

5 Q. Why did you not wire the money directly  
6 yourself?

7 A. I believe because Meyer & Glitzenstein  
8 already had an account set up.

9 Q. Did you send any additional e-mails  
10 requesting that this money be forwarded to Mr. Rider?

11 A. Any additional e-mails to Dr. Hawk?

12 Q. To anybody at the ASPCA regarding this  
13 money.

14 A. I may have had correspondence with Nancy  
15 Blaney at the time.

16 Q. But all documents that you still have in  
17 your custody have been produced?

18 A. Correct.

19 Q. Why is there no check request or invoice  
20 for this thousand dollar payment included in the  
21 document production that was provided to the  
22 defendants by the ASPCA?

23 A. I believe it would have been part of a  
24 payment made to Meyer & Glitzenstein.

25 Q. If we could turn back to Exhibit 3, which



1 A. They may have.

2 Q. Did you have any discussions with any of  
3 the other plaintiffs regarding continuing funding  
4 past 2003?

5 A. Yes.

6 Q. And what were those discussions?

7 MS. OCKENE: I'm going to object just to  
8 the extent that it calls for attorney-client  
9 communications and instruct you not to answer, just  
10 to the extent it would include such conversations.

11 BY MS. DALTON:

12 Q. You can continue, with that instruction.  
13 So if there were any conversations that you had that  
14 did not involve anybody from Meyer & Glitzenstein,  
15 please let me know what those are.

16 A. I'm sorry, I'm not supposed to answer  
17 that, correct?

18 MS. OCKENE: To the extent that you had  
19 discussions that didn't involve us, your lawyers, you  
20 can answer the question. Maybe you want to repeat --

21 BY MS. DALTON:

22 Q. My question is, did you have any  
23 communications with any of your co-plaintiffs  
24 regarding whether or not to provide Mr. Rider with  
25 any continuing funding past 2003?

1           A.     Yes.  Both with the Fund For Animals and  
2     AWI and recognizing the good work that Mr. Rider was  
3     doing and the ASPCA's inability to continue funding  
4     his expenses to continue that work due to other  
5     budgetary needs.

6           Q.     As a result of ASPCA's inability to  
7     continue funding those expenses, did the Fund For  
8     Animals continue to provide Mr. Rider with continuing  
9     funding past 2003?

10          A.     I believe they funded some of those  
11     expenses.

12          Q.     Were you told of those expenses or their  
13     funding of those expenses during this conversation?

14          A.     There was a discussion about what those  
15     expenses typically would amount to and whether they  
16     could fund them as well.

17          Q.     And what about the Animal Welfare  
18     Institute.  Did they continue funding Mr. Rider  
19     following this conversation?

20          A.     I believe they funded him in part.

21          Q.     So following 2003, to the best of your  
22     knowledge, while ASPCA was not providing any funding  
23     to Mr. Rider, the AWI and the Fund For Animals were?

24          A.     That's correct.

25          Q.     Do you know if this funding was being

1 to the Wildlife Advocacy Project in 2001?

2 A. Correct.

3 Q. My question is, why did you make the grant  
4 through Meyer & Glitzenstein and not directly to the  
5 Wildlife Advocacy Project?

6 A. The grant was made to the Wildlife  
7 Advocacy Project.

8 Q. So there was a separate grant to the  
9 Wildlife Advocacy Project?

10 A. That was the \$7,400.

11 Q. Which is listed -- on page 31 of Exhibit  
12 3, you list a \$9,000 payment to Meyer & Glitzenstein.

13 A. Correct.

14 Q. And you said that of that \$9,000, \$7,400  
15 was the grant to the Wildlife Advocacy Project?

16 MS. OCKENE: Objection. I think she said  
17 to the best of her knowledge.

18 THE WITNESS: To the best of my knowledge.

19 BY MS. DALTON:

20 Q. But now you said that it was a separate  
21 payment. I'm just trying to figure out the  
22 mechanisms of that payment, if the \$7,400 was  
23 provided to Meyer & Glitzenstein or if it was  
24 provided separately to the Wildlife Advocacy Project.

25 A. It's my understanding that it was issued

1 to the Wildlife Advocacy Project, which is housed in  
2 the same office as Meyer & Glitzenstein.

3 Q. You've named Darcy Kemitz as an employee  
4 of the Wildlife Advocacy Project?

5 A. At that time, yes.

6 Q. At 2001?

7 A. Correct.

8 Q. Do you recall any other individuals  
9 working for the Wildlife Advocacy Project at that  
10 time?

11 A. No, I do not.

12 Q. Do you recall any employees of the  
13 Wildlife Advocacy Project prior to 2001?

14 A. I do not know.

15 Q. What about following 2001?

16 A. I do not have that information.

17 Q. Do you know what percentage of the  
18 Wildlife Advocacy Project's efforts were focused on  
19 Ringling Bros.?

20 A. No, I don't.

21 Q. Do you know what percentage of the  
22 Wildlife Advocacy Project's efforts were focused on  
23 the issue of elephants in circuses?

24 A. I don't.

25 Q. I just want to go back and ask a few more

1 any other projects with Tom Rider?

2 A. No.

3 Q. Has Mr. Rider ever worked for ASPCA?

4 A. No.

5 Q. Subsequent to 2003, did Mr. Rider request  
6 any money from ASPCA?

7 A. No.

8 MS. DALTON: I would like to mark Exhibit  
9 21.

10 (ASPCA Exhibit No. 21 was  
11 marked for identification.)

12 BY MS. DALTON:

13 Q. This e-mail was included in the ASPCA's  
14 production to Feld, correct?

15 A. I'm sorry, say that again?

16 Q. This e-mail marked Exhibit 21 was included  
17 in your production?

18 A. Yes. I'm sorry.

19 Q. And the subject -- this document is an  
20 e-mail from you to Larry Hawk and you cc'd, it looks  
21 like two or three people, one of whom is Karen  
22 Colangelo?

23 A. Correct.

24 Q. And who is this  
25 eightbjones@aol.com@aspca.org?

1 A. That's Patricia Jones.

2 Q. And Patricia Jones is your head of media  
3 affairs?

4 A. She was.

5 Q. She was your head of media affairs?

6 A. Correct.

7 Q. I'm sorry, I've probably asked you before  
8 but just to refresh my memory, who is Karen  
9 Colangelo?

10 A. Karen Colangelo, she worked in the media  
11 relations department. I don't recall what her title  
12 was.

13 Q. So she reported to Patricia Jones?

14 A. Correct.

15 Q. And in your first sentence, you say that  
16 the visit was, quote, "quite an eye opener for both  
17 me and Karen Colangelo."

18 A. Correct.

19 Q. And what was eye opening about the visit?

20 A. I think we were not aware of all of the  
21 interviews he was doing with the media. We were  
22 aware of some of them, but not all of them.

23 Q. So is that what you're referring to when  
24 it says, "Tom has been doing some impressive PR work  
25 for us"?

1 A. Yes.

2 Q. And his impressive PR work, was that just  
3 all just press interviews?

4 A. Yes.

5 Q. Were there any other activities he was  
6 doing that you can recall?

7 A. No.

8 Q. What were the, quote, "outstanding  
9 logistical problems" to which you refer in the next  
10 sentence?

11 A. I believe they had to do with when Darcy  
12 was working with Tom directly.

13 Q. And can you refresh my memory as to who  
14 Darcy is? She's one of the people who was involved  
15 in your D.C. office, correct?

16 A. No, she was with the Wildlife Advocacy  
17 Project.

18 Q. That's right. So what in particular were  
19 the outstanding logistical problems?

20 A. I think it was more a breakdown in  
21 communication between us certainly and maybe between  
22 her and Tom, in terms of her working in conjunction  
23 with Tom in his media visits.

24 Q. So he was not, for example, maybe getting  
25 the support he needed from you all?

1           A.     Right.  You know, faxing the press release  
2     and media kit to the upcoming reporter ahead of time,  
3     that type of thing.

4           Q.     And these issues were resolved, it says?

5           A.     Yes.  We decided to bring it in-house,  
6     meaning that the ASPCA's media relations staff would  
7     essentially be doing what Darcy did.

8           Q.     So it would be moving the logistical  
9     issues from the Wildlife Advocacy Project to ASPCA?

10          A.     Correct.

11          Q.     Did this also include changing the way in  
12     which you helped reimburse Mr. Rider for his  
13     expenses?

14          A.     Not to my knowledge.  In 2002, we were not  
15     paying Mr. Rider directly in terms of reimbursement.

16          Q.     And 2002 is the year that you were paying  
17     Meyer & Glitzenstein, correct?

18          A.     Right.

19          Q.     So when you say that the logistical  
20     problems had been resolved, you mean it dealt with  
21     how he was receiving faxes and other media support?

22          A.     Correct.

23          Q.     And then the next sentence reads --  
24     actually, I'm sorry.  When you said media efforts,  
25     I'm just confirming that when you say media efforts,



1 that involves his contacts with the press and his  
2 interviews with the press, correct?

3 A. Correct.

4 Q. Going back to where I was before, the next  
5 sentence reads, "After better understanding the  
6 nature of his needs and his abilities, I think it is  
7 doable. Karen also knows that government affairs can  
8 serve as a backup when needed." I'm assuming that  
9 understanding the nature of his needs and abilities  
10 refers to Mr. Rider's needs and abilities?

11 A. Correct.

12 Q. And what needs and abilities were you  
13 referring to?

14 A. It was more just coordinating his work  
15 with -- integrating it into the work of the media  
16 relations department with other issues they were  
17 handling for the organization.

18 Q. What were his abilities that you were  
19 referring to?

20 A. Speaking firsthand about when he was  
21 working at Ringling Bros. and the treatment of the  
22 elephants.

23 Q. And what do you mean by I think it is  
24 doable? Specifically what was doable?

25 A. Integrating it, his increased requests by

1 the media to speak with him and being able to service  
2 those needs and requests within our media relations  
3 department.

4 Q. And how did you think that -- what was  
5 your plan for having government affairs serve as a  
6 backup to that?

7 A. No, Karen was going to serve as backup.  
8 I'm sorry. Oh, yes. Okay. That if media relations  
9 could not send the faxes out and the press releases  
10 because they were involved in another project for the  
11 organization, that the government affairs  
12 administrative assistant could take up that slack.

13 Q. The next sentence reads, "The commitment  
14 and sacrifices this guy has made for the last year is  
15 truly impressive." I am assuming that this refers to  
16 Mr. Rider again, correct?

17 A. Correct.

18 Q. And what sacrifices were you referring to?

19 A. Well, he basically lived on the road.  
20 Oftentimes he would sleep in the Greyhound bus  
21 station. He went wherever he was needed by the media  
22 to speak with him.

23 Q. And then the level of your funding, you  
24 had originally budgeted \$24,000 to assist in  
25 Mr. Rider's efforts, is that correct, based on that

1 incident, I've heard about it, but I'm not that  
2 familiar with the charges or what happened.

3 Q. Has ASPCA ever complained to Feld  
4 Entertainment directly about the care of animals at  
5 Ringling Bros.?

6 A. Not that I'm aware of.

7 MS. OCKENE: You're talking about other  
8 than the notice letters in this case?

9 MS. DALTON: Yes.

10 THE WITNESS: Not that I'm aware of.

11 BY MS. DALTON:

12 Q. Since 1996, has ASPCA had any  
13 communications with anybody working for Feld?

14 A. No.

15 Q. We've talked about Tom Rider, so I just  
16 want to confirm that ASPCA has not had any contact  
17 with any other former Ringling employee since 1996?

18 A. As far as I know, we have not.

19 MS. DALTON: I would like to mark Exhibit  
20 23.

21 (ASPCA Exhibit No. 23 was  
22 marked for identification.)

23 BY MS. DALTON:

24 Q. This is a fund-raiser for a July 21st,  
25 2005 fund-raiser, correct?

1 A. Correct.

2 Q. And this benefit is in part hosted by the  
3 ASPCA, correct?

4 A. Correct.

5 Q. Who from the ASPCA helped coordinate this  
6 event, or I should say helping to coordinate this  
7 event as it's in the future?

8 A. Jo Sullivan who is our senior vice  
9 president for development.

10 Q. Anybody else from ASPCA involved in  
11 coordinating this event?

12 A. Our public relations firm has been  
13 assisting.

14 Q. And which firm is that?

15 A. GF Schwartz & Company.

16 Q. Anybody else in house?

17 A. I assisted a little bit.

18 Q. So besides you and Joe, anybody else you  
19 can think of?

20 A. No.

21 Q. Whose idea was it to hold this event?

22 A. I think it was really the three plaintiffs  
23 so that we can continue to support Tom Rider in his  
24 outreach to the public and the media.

25 Q. When did ASPCA decide to co-host this

1 event?

2 A. I think it was about two months ago.

3 Q. To whom were these invitations sent?

4 A. They were sent to ASPCA high donors in the  
5 California area.

6 Q. Anybody else besides that?

7 A. They were also e-mailed to ASPCA  
8 supporters generally in California.

9 Q. The invitation states that -- up at the  
10 top of page 2 of the invitation, it says, "Numerous  
11 eyewitness accounts and other evidence of the  
12 mistreatment of the elephants including deaths of  
13 several baby elephants have been collected for this  
14 lawsuit." Does that refer to the allegations listed  
15 in the complaint?

16 A. Yes.

17 Q. Does it refer to any other eyewitness  
18 accounts or other evidence that was not listed in the  
19 complaint?

20 A. I don't know.

21 Q. Does it refer to any allegations -- I'm  
22 sorry, does it refer to any eyewitness accounts or  
23 other evidence not listed in your answers to  
24 interrogatories?

25 A. I don't know.

1 Q. Down at the bottom where it says -- it  
2 says this benefit will include, the second bullet  
3 point is, "Never before seen video footage of  
4 mistreatment of elephants at the Ringling Bros.  
5 Circus." Do you know what this video footage is?

6 A. I don't.

7 MS. DALTON: I'm asking counsel, is this  
8 new video that has not been produced to us?

9 MS. OCKENE: I think the indication is  
10 never before seen by the public. It may have been  
11 stuff that even -- I'm sure -- I have no idea. I  
12 would have to double-check, but I think it's what's  
13 been produced already. Either been produced or been  
14 produced to us by USDA, like the Lawler footage that  
15 you've seen.

16 MS. DALTON: If you can confirm that  
17 whatever is being shown at this has been also  
18 produced to us, I would appreciate that. And I would  
19 make a record request for any video that's going to  
20 be shown at this fund-raiser if it has not already  
21 been produced to us.

22 BY MS. DALTON:

23 Q. Will you be attending this event?

24 A. No.

25 Q. Have you discussed this event with other

1 plaintiffs?

2 A. Well, it was coordinated by --

3 Q. But now I'm asking what your role  
4 specifically was.

5 A. Oh, in coordinating this?

6 Q. Yes.

7 A. It was more just the wording of the  
8 invitation and sending it out to ASPCA supporters.

9 Q. And who from the other plaintiffs were  
10 involved in putting together this program?

11 A. I believe Cathy Liss -- Cathy Liss and her  
12 attorney, her in-house counsel, Tracy. I don't  
13 recall who was involved in the Fund, since I wasn't  
14 involved in all the conversations having to do with  
15 this coordinating it.

16 Q. Were you involved in any conversations  
17 with the two hosts, Mr. Begley or Ms. Harper?

18 A. No.

19 Q. Do you know if anybody from the ASPCA  
20 discussed this with the CEO and president of the  
21 Humane Society?

22 A. I don't.

23 Q. Do you know why the Humane Society is  
24 co-hosting this event?

25 A. I'm assuming it's because of whatever it

1 was between them and the Fund For Animals. I don't  
2 know if it was a merger or legally what.

3 Q. Has the Humane Society joined the ASPCA as  
4 a plaintiff in this case?

5 A. No.

6 Q. Have you, by any chance, seen any talking  
7 points from Mr. Pacelle's concluding remarks?

8 A. No.

9 Q. Have you seen any other materials that are  
10 going to be included in this presentation?

11 A. No.

12 Q. The invitation also says that there are  
13 eyewitness accounts of elephant abuse by Tom Rider  
14 and other former Ringling Bros. employees, correct?

15 A. Yes.

16 Q. Who are the other former Ringling Bros.  
17 employees?

18 A. I don't know.

19 Q. Does anybody at ASPCA know who these  
20 individuals are?

21 A. Not that I'm aware of.

22 Q. So as far as you know, the only person who  
23 is going to be speaking at this event is Tom Rider?

24 A. Correct.

25 Q. Has the ASPCA hosted any other events to



1 raise funds for this lawsuit in the past?

2 A. No.

3 Q. Have any of the other plaintiffs?

4 A. I don't know.

5 Q. Have any other animal rights groups hosted  
6 events to help raise funds for this lawsuit?

7 A. Not that I'm aware of.

8 Q. And the purpose of this fund-raiser is to  
9 provide additional funding for Tom Rider to continue  
10 his outreach?

11 A. Correct.

12 Q. And do you know if Tom Rider is currently  
13 receiving money from any of the other plaintiffs in  
14 this case?

15 A. I don't know.

16 Q. Did they mention anything about their  
17 support of Tom Rider in any conversations you've had  
18 with them?

19 A. With the plaintiffs?

20 Q. Yes.

21 A. No.

22 MS. OCKENE: This has been asked and  
23 answered earlier.

24 MS. DALTON: I'm just confirming. I just  
25 want to make sure.