

EXHIBIT HH

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

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

Washington, D.C.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Case No. 03-2006 (EGS)

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AMERICAN SOCIETY FOR THE PREVENTION OF)
CRUELTY TO ANIMALS, et al.,)
Plaintiffs,)
v.)
RINGLING BROS. AND BARNUM & BAILEY)
CIRCUS, et al.,)
Defendants.)

Washington, D.C.
June 22, 2005

CERTIFIED COPY

Deposition of MICHAEL MARKARIAN, a witness
herein, called for examination by counsel for
defendant, taken at the offices of COVINGTON &
BURLING, 1201 Pennsylvania Avenue, Suite 1100, on the
22nd day of June, 2005, at 9:41 a.m. before Mary Ann
Payonk, RPR, RMR, RDR, Certified Realtime Reporter and
Notary Public.

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16

17 ALSO PRESENT:

18 Ellen Hebert, videographer

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WITNESSES:

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MICHAEL MARKARIAN

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Examination by Mr. Wolson

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1 Q Has the Animal Welfare Institute given the
2 fund any money since 1996?

3 A Not that I can recall.

4 Q When did you first meet Tom Rider?

5 A I can't recall exactly when I first met
6 him.

7 Q Do you know when the first time any
8 employee from the fund met him?

9 A I don't know.

10 Q Do you know how you were put in touch with
11 him for the first time?

12 A I don't recall.

13 Q Was it in connection with this case?

14 A I believe it was, yes.

15 Q Other than this case, has the fund worked
16 on any other projects with Mr. Rider?

17 A We have in -- in some cases worked with
18 him on the broader issue of -- of circuses in general,
19 outside of the -- the scope of this case.

20 Q And what cases were those that you've
21 worked with him?

22 A He and I both attended a press conference
23 in Denver last summer in -- in relation to a --
24 supporting a -- a city ballot measure dealing with
25 circuses.

1 I know he has attended legislative
2 hearings in -- in some states and -- and press
3 conferences in some states to -- to discuss the
4 treatment of animals in circuses, and we have worked
5 with him on some of those issues.

6 Q What do you mean when you say you've
7 worked with him in connection with those legislative
8 hearings and press conferences?

9 A I -- for example, staff member of the Fund
10 for Animals was at a -- a -- a press conference and
11 rally in Harrisburg, Pennsylvania dealing with the
12 treatment of animals in circuses. Mr. Rider was also
13 present there.

14 Q Was that a protest in Harrisburg?

15 A I don't particularly know if it was a
16 protest. I was not personally present. I believe it
17 was a -- a press conference and a rally to -- to
18 educate the public about the issue of circuses and the
19 treatment of animals in circuses.

20 Q Okay. Has the fund ever -- has the fund
21 ever paid Mr. Rider any money?

22 A Yes.

23 Q On how many occasions?

24 A I believe there was one occasion. Last
25 July of 2004 we gave Mr. Rider \$1,000 to assist with

1 his travel expenses to participate in the Denver press
2 conference, which I mentioned earlier.

3 Q When you say you gave him \$1,000, did you
4 pay for him to -- to attend that press -- let me
5 rephrase that.

6 Did you -- is the \$1,000 reflective of
7 expenses you incurred to purchase and make travel
8 arrangements for him, such as air fare, or did you
9 actually hand over the \$1,000 to make his own
10 arrangements?

11 MS. MEYER: Objection to the form.

12 BY MR. WOLSON:

13 Q You can answer.

14 A We gave the \$1,000 directly to Mr. Rider.
15 He made his own travel arrangements.

16 Q Did he submit any receipts for those --
17 that thousand dollars?

18 A I believe that we did receive one receipt
19 from him.

20 Q Was that receipt for \$1,000?

21 A I don't -- I don't recall how -- the exact
22 amount.

23 Q Do you know what the receipt was for?

24 A My recollection is that he -- he -- that
25 it was a receipt for some repairs to his vehicle which

1 allowed him to drive to -- to Denver.

2 Q So you never got a receipt from him for a
3 hotel room?

4 A No, not to my knowledge.

5 Q Other than paying money, has the fund ever
6 given Mr. Rider any other sort of compensation, like
7 food or lodging or transport?

8 A Not that I'm aware of.

9 Q Go back to the interrogatory responses and
10 look at interrogatory number 8 on page 25. I'm sorry,
11 interrogatory 16. Interrogatory 16 asks for every
12 communication that you have had with any current or
13 former employee of defendant since 1996. See that?

14 A Yes.

15 Q Okay. On page 26 is the start of a
16 paragraph that lasts for about a page detailing some
17 communications that Mr. Schubert has had with
18 Mr. Rider. Do you see that?

19 A Yes, I do.

20 Q Okay. The first one of these occurred
21 in -- what it says here was June or July of 1999 or
22 2000. Do you see that?

23 A Yes.

24 Q Who was Mr. Schubert working for at that
25 time?

1 A At that time, I believe he was working for
2 his own consulting business called Schubert and
3 Associates.

4 Q What kind of consulting business was that?

5 A He did wildlife biology consulting and --
6 and research for various clients, including the Fund
7 for Animals and other animal protection organizations.

8 Q And that was based in Phoenix?

9 A Yes.

10 Q It says that at that time, Mr. Schubert
11 contacted Mr. Rider by telephone to determine whether
12 he, I presume Mr. Rider, would be available to
13 transfer to Phoenix to participate in a press
14 conference being hosted by the Animal Defense League
15 of Arizona. Do you see that?

16 A Yes.

17 Q Do you know where Mr. Rider was living at
18 that time?

19 A No, I don't know.

20 Q Do you know for whom he was working?

21 A No, I don't.

22 Q Do you know if he was working for Ringling
23 Bros.?

24 A I don't -- I don't know. I believe it was
25 after he was no longer an employee of Ringling Bros.

1 Q Do you know how Mr. Schubert knew who
2 Mr. Rider was?

3 A I don't know how they met particularly.

4 Q Do you know how he knew where to reach
5 Mr. Rider?

6 A No, I don't know.

7 Q Do you know why Mr. Schubert selected
8 Mr. Rider?

9 A No, I don't.

10 Q It says here that arrangements were made
11 for Mr. Rider to fly into Phoenix to Sky Harbor
12 Airport. Do you see that?

13 A Yes.

14 Q Who made those arrangements?

15 A I don't know.

16 Q Do you know who paid for Mr. Rider's
17 flight?

18 A No, I don't.

19 Q The interrogatory response goes on to say
20 that Mr. Schubert picked Mr. Rider up, took him to
21 dinner and dropped him off at a hotel. Do you see
22 that?

23 A Yes.

24 Q Do you know who paid for the dinner?

25 A No, I don't.

1 Q Do you know who paid for the hotel?

2 A No, I don't.

3 Q The next day it looks like there was a
4 press conference and then some visits to media
5 outlets. See that?

6 A Yes.

7 Q And my understanding of -- of this
8 response is that the press conference was going to be
9 about Ringling Bros.'s treatment of its animals.

10 A That's what it appears to -- to be to me
11 as well.

12 Q Okay. After the -- after these visits --
13 after these visits to the media outlets, it says that
14 Mr. Schubert took Mr. Rider to a small hotel. Do you
15 see that?

16 A Yes.

17 Q Do you know who paid for that hotel stay?

18 A No, I don't.

19 Q Do you know who paid for Mr. Rider's
20 outbound transportation from Phoenix?

21 A No, I don't know.

22 Q There's another conversation here, which
23 is number 2 in this paragraph, in which Mr. Rider
24 apparently contacted Mr. Schubert 2000 or 2001. Do
25 you see that?

1 A Yes.

2 Q I take it from this response, but tell me
3 if I'm misinterpreting it, that although you don't
4 have the dates pinned down, the conversation that's
5 number 2 occurred a year after the conversation that's
6 number 1.

7 A That's what I believe to be accurate, yes.

8 Q Okay. Do you know if Mr. Rider told
9 Mr. Schubert why Mr. Rider was calling him?

10 A No, I don't know.

11 Q Do you know why Mr. Schubert agreed to
12 pick up Mr. Rider?

13 A I don't know.

14 Q Was Mr. Schubert employed by the fund at
15 that time?

16 A No, not at that time.

17 Q When was he hired to go to Black Beauty
18 Ranch? When was he hired?

19 A 2002.

20 Q Okay. According to this response,
21 Mr. Schubert took Mr. Rider to Mr. Schubert's home.
22 Do you see that?

23 A Yes.

24 Q Do you know how long they were there?

25 A No, I don't.