

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
THE FUND FOR ANIMALS, ANIMAL WELFARE INSTITUTE, AND HSUS'
MOTION FOR A PROTECTIVE ORDER**

Civ. No. 1:07-cv-1532

Ex. 16

Florence Lambert Testimony

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----X

PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS, INC.,

Plaintiff,

vs. At Law No. 220181

KENNETH FELD, et al.,

Defendants.

-----X

PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS, INC.,

Plaintiff,

vs. At Law No. 204452

STEVEN KENDALL, et al.,

Defendants.

-----X

Fairfax, Virginia

Monday, March 6, 2006

The trial commenced at 10:07 a.m.

BEFORE:

THE HONORABLE DAVID T. STITT

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1 VIRGINIA:
 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY
 3 -----X
 4 PEOPLE FOR THE ETHICAL TREATMENT :
 OF ANIMALS, INC., :
 5 Plaintiff, :
 6 vs. : At Law No. 220181
 7 KENNETH FELD, et al., :
 8 Defendants. :
 9 -----X
 10 PEOPLE FOR THE ETHICAL TREATMENT :
 OF ANIMALS, INC., :
 12 Plaintiff, :
 13 vs. : At Law No. 204452
 14 STEVEN KENDALL, et al., :
 15 Defendants. :
 16 -----X
 17
 18 Fairfax, Virginia
 19 Monday, March 6, 2006
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 5 Lisa Lange 1204 1236 1255
 6 Patricia Derby
 (via deposition) 1277
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1 APPEARANCES:
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 15 ESQ., Blankingship & Keith, P.C.,
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 17 STEVEN KENDALL, pro se.
 18
 19
 20
 21
 22

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1 PROCEEDINGS
 2 (The court reporter was previously sworn.)
 3 **THE COURT:** Good morning.
 4 **MR. PETROSINELLI:** Before we bring the jury in,
 5 we have three preliminary issues to raise with the Court.
 6 **MR. HIRSCHKOP:** Maybe more than three.
 7 **MR. PETROSINELLI:** Maybe more than three
 8 Mr. Hirschkop tells me.
 9 **THE COURT:** All right.
 10 Mr. Hirschkop.
 11 **MR. PETROSINELLI:** Actually, Judge, I have three
 12 issues; and Mr. Hirschkop has others, I guess.
 13 Ours relates to the first two witnesses that we
 14 understand Mr. Hirschkop intends to call today. The first
 15 one is named Doll Stanley.
 16 That name appeared on a plaintiff's witness list,
 17 and that was the first time we understood the plaintiffs
 18 intended to call her, and we objected to it immediately.
 19 Ms. Stanley was never identified during discovery period as
 20 a witness with relevant knowledge.
 21 When we asked interrogatories of the plaintiff
 22 way back in September of 2004, we asked them for a list of

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1 (The jury entered the courtroom.)
 2 THE COURT: Good morning, ladies and gentlemen.
 3 I hope you all had a nice weekend.
 4 Sorry about the delay. We had legal matters we
 5 had to deal with. We've done that, and we're ready to
 6 proceed with the presentation of the plaintiff's case.
 7 Mr. Hirschkop, you can call your next witness.
 8 MR. HIRSCHKOP: I call Florence Lambert to the
 9 stand.
 10 Whereupon,
 11 FLORENCE LAMBERT,
 12 witness, was called for examination by counsel for the
 13 plaintiff, and after having been duly sworn, was examined
 14 and testified as follows:
 15 EXAMINATION BY COUNSEL FOR THE PLAINTIFF
 16 MR. HIRSCHKOP: If Your Honor please, we're going
 17 to ask her to look through a number books. To speed it up,
 18 could I have Ms. Richelieu sit there?
 19 THE COURT: Absolutely. Is there a chair?
 20 Certainly.
 21 BY MR. HIRSCHKOP:
 22 Q State your name, please.

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1 A Florence Louise Lambert.
 2 Q Ms. Lambert, if you can try to speak into that
 3 microphone.
 4 THE WITNESS: Sorry about that.
 5 THE COURT: You can turn it sideways to talk
 6 across it.
 7 BY MR. HIRSCHKOP:
 8 Q Where do you live?
 9 A In La Jolla, California.
 10 Q Would you spell that, please.
 11 A L-a, J-o-l-l-a.
 12 Q How long have you lived there?
 13 A Thirty-five years.
 14 Q What is your educational background?
 15 A Well, I'm an RN, had three years of nursing
 16 college. And then I had a year at the San Francisco
 17 College for Women, liberal arts, and a year at Dominican
 18 College in San Rafael, human arts, and then some semesters
 19 part-time at the University of San Francisco and the
 20 San Diego College for Women.
 21 Q Would you, starting with the time you graduated
 22 nursing school, go through your work background for the

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1 jury, places you've worked and what you did.
 2 A Well, after graduation and passing the three-day
 3 test we had to take, I went to San Francisco and worked at
 4 St. Mary's and several other hospitals up there
 5 occasionally.
 6 I was in San Francisco about eight years, decided
 7 to go back to New York, went back to New York for two
 8 years, took one year at -- let's see. What was
 9 it? -- Cornell Medical Center, and then half a year in
 10 orthopedic specialty and another year in Payne-Whitney
 11 Psychiatric Hospital.
 12 Q Did there come a time after that when you moved
 13 back to San Diego?
 14 A No. I went back to San Francisco and then back
 15 to San Diego.
 16 Q Okay. Did you meet your prior husband in
 17 San Diego?
 18 A Yes, I did, uh-huh.
 19 Q What was his position? What did he do for a
 20 living?
 21 A He was an orthopedic surgeon.
 22 Q How long were you married?

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1 A Twenty-three years.
 2 Q During those twenty-three years, where did you
 3 live?
 4 A Let's see. The first two years in San Diego, and
 5 then after that La Jolla.
 6 Q What year were you married?
 7 A 1969.
 8 Q Did there come a time when you got involved in
 9 the animal rights movement?
 10 A Well, I always cared about the dogs, of course --
 11 about dogs and cats and rabbits. When I moved to La Jolla,
 12 I met a lady who was a founder of Focused (phonetic)
 13 Friends of County Animal Shelters. And they helped to
 14 improve conditions in the three county animal shelters.
 15 And I became involved in that and was on board. So that
 16 was my first, I guess, involvement.
 17 MR. HIRSCHKOP: Your Honor, if I may, might I ask
 18 Beth if she can turn this thing off. I think there is a
 19 loud static noise.
 20 Can you do that.
 21 JUROR GALLUCCI: It's the bulb. It will cool
 22 off. It won't turn off right away.

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1 MR. HIRSCHKOP: If I doesn't bother the jury --.

2 THE COURT: Can you all hear? If you can't,

3 raise your hand.

4 THE WITNESS: I'll try to speak louder, if I can.

5 MR. HIRSCHKOP: I'm sorry. I didn't mean to

6 interrupt you.

7 BY MR. HIRSCHKOP:

8 Q Were you involved in dog adoptions during the

9 '80s?

10 A Yes.

11 Q Did there come a time in the late '80s when you

12 got involved with elephants?

13 A Uh-huh, late '80s.

14 Q How did that come about?

15 A I saw the head of an elephant on television and

16 this was an elephant owned by the San Diego Zoo Wild Animal

17 Park. And she had been beaten. The picture had been taken

18 six weeks after her beating, and her head was dented and

19 scarred, and you could tell her flesh had been uplifted.

20 And I couldn't believe that they allowed such a

21 thing to be done. I had already dropped my membership from

22 the San Diego Zoological Society because they had helped to

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1 breed animals for research and were doing other things I

2 find distasteful.

3 But what I saw the head of Dunda, I couldn't

4 sleep that night, it bothered me. The next day I called

5 the Human Society because they said --

6 Q You're not allowed to say what they said. It's

7 hearsay.

8 A I wasn't allowed to say what?

9 Q What they said. Tell us what you did and why you

10 did it.

11 A I got the report and read it and made copies of

12 it and distributed it to the media and as many people as I

13 could, because it was terrible.

14 Q What year was this approximately?

15 A 1989, I think.

16 Q And did you form any organization as a result of

17 that?

18 A Yes. We started out under the umbrella of the

19 Fund for Animals, and we called ourselves Zoo Animal

20 Protection Society because we were focusing on the zoo

21 elephants.

22 Q The Fund for Animals, is that a large animal

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1 rights group in New York City?

2 A Yes, uh-huh, Cleveland Amory.

3 Q Did you deal with Cleveland Amory?

4 A Uh-huh, yes.

5 Q Did Cleveland Amory provide initial funding for

6 your Elephant Alliance?

7 A No.

8 Q Where did the funding come from?

9 A Myself.

10 Q Did PETA have anything to do with the formation

11 of The Elephant Alliance?

12 A No.

13 Q And what year was The Elephant Alliance actually

14 formed?

15 A In 1991.

16 Q Prior to that time did you become involved with

17 circus elephants?

18 A Yes.

19 Q How did that come about?

20 A The man who was in charge of the beating of

21 Dunda, I finally got the courage to go up and talk to him.

22 And he said --

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1 MR. PETROSINELLI: Objection, Your Honor, to the

2 hearsay.

3 THE COURT: Sustained.

4 BY MR. HIRSCHKOP:

5 Q Just tell us what you had in your mind, what you

6 understood.

7 A Well, I understood from people that he said, "If

8 you think what we do" --

9 MR. PETROSINELLI: Objection to the hearsay.

10 She's saying what he said.

11 THE COURT: Sustained.

12 THE WITNESS: Oh.

13 BY MR. HIRSCHKOP:

14 Q Did you have any understanding of how elephants

15 were treated? Don't tell what people said to you. Did you

16 have an understanding of how --

17 A Okay.

18 Q -- elephants were treated in the circus?

19 A I didn't then, but I found out that they were

20 treated worse than in the zoos.

21 Q And you referred to Dunda. Is that the name of

22 the --

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1 A Dunda, Madundamella. But Dunda was her usual
 2 name.
 3 Q After you formed The Elephant Alliance, did you
 4 get a 501(c)3 tax-exemption from the IRS?
 5 A Yes, we did.
 6 Q What was the purpose of The Elephant Alliance?
 7 A Well, it was three-fold.
 8 Education, let people know what really goes on
 9 behind the scenes because children loved elephants and if
 10 they knew what happened, they wouldn't want these animals
 11 to be in circuses. So education was foremost.
 12 Legislation because legislation needed to be
 13 made. There was nothing to protect these animals.
 14 And our ultimate goal was the establish -- to
 15 obtain land for a sanctuary for elephants.
 16 Q What did you understand was being done wrong with
 17 elephants in the circus?
 18 A They were chained 95 percent of their lives by
 19 two legs, standing in a spot no larger than an automobile.
 20 This caused many physical problems for them. They suffered
 21 a great deal from arthritis, circulatory problems, internal
 22 problems. Their toes, their nails were all very bad. Many

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1 times they died because of this.
 2 What was the original question?
 3 Q What did you -- did you understand how they were
 4 mistreated?
 5 A Also beating, being beaten, deprived of food and
 6 water, kept in dark places as punishment.
 7 Q In order to educate yourself, did you seek out
 8 materials from the United States government, the Department
 9 of Agriculture?
 10 A Yes. I found out about FOIA, and we would obtain
 11 records and different citations that were given to
 12 circuses.
 13 Q What about Ringling; did you see citations for
 14 Ringling?
 15 MR. PETROSINELLI: Object, Your Honor, calling
 16 for hearsay.
 17 MR. HIRSCHKOP: Just --
 18 THE WITNESS: Okay. We got --
 19 MR. HIRSCHKOP: Pardon me. The judge hasn't
 20 ruled.
 21 MR. HIRSCHKOP: It's just what is in her mind and
 22 she was accounting upon.

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1 MR. PETROSINELLI: Your Honor, it can only be
 2 based on hearsay.
 3 THE COURT: Overruled.
 4 THE WITNESS: I have copies of citations. Would
 5 that help?
 6 MR. HIRSCHKOP: The judge overruled. You can
 7 answer.
 8 BY MR. HIRSCHKOP:
 9 Q Did you see citation against Ringling?
 10 A Yes.
 11 Q Are those some of the things upon which you
 12 decided to demonstrate against the circus?
 13 A Yes, they were.
 14 Q Did you personally view many of the elephants in
 15 the elephant walks and in performances of the circus?
 16 A Yes, I did.
 17 Q What did you view of these elephants?
 18 MR. PETROSINELLI: Your Honor, can we approach?
 19 THE COURT: Counsel approach.
 20 (The following proceedings were held at the
 21 bench:)
 22 MR. PETROSINELLI: This is what I alluded to

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1 earlier. She is not an expert witness, and he's starting
 2 to ask her about conditions of elephants and things like
 3 that and treatment of the elephants and so forth. She
 4 started to go down the line of expert testimony. I object.
 5 THE COURT: Where were you going?
 6 MR. HIRSCHKOP: That woman stole her documents
 7 because she was demonstrating not because she was a
 8 terrorist. They're trying to say all these people were
 9 terrorists. This is why she said she did it. It's
 10 fundamental. It's her understanding. If she can be
 11 deposed, she can be cross-examined.
 12 MR. PETROSINELLI: Your Honor, he can ask her
 13 about her demonstrations and what she saw at the
 14 demonstrations and that sort of thing.
 15 The problem is he brought out she has a nursing
 16 background and starts asking about treatment of elephants.
 17 We're going down that road.
 18 I have no problem with him asking her about
 19 demonstrations and -- the stuff about the specific
 20 condition of elephants and so forth, that's getting into
 21 expert testimony, and it's also irrelevant.
 22 THE COURT: She can talk about what she observed;

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1 that's fine. But I'll have to instruct her to keep it to
 2 that.
 3 (The following proceedings were held in open
 4 court:)
 5 BY MR. HIRSCHKOP:
 6 Q What did you observe when you would see the
 7 circus or the elephants walking?
 8 A Well, at the unloading, of course, they were
 9 taken out of the boxcars. And the bull hook was used on
 10 them if they didn't move quickly enough. And, of course,
 11 they were stiff and sore from being chained for hours on
 12 end. And they had hook boils on their sides, meaning large
 13 contusions.
 14 Q From the bull hooks?
 15 A Yes, that did not penetrate the skin but that
 16 made an underlying contusion.
 17 I checked with vets on this --
 18 MR. PETROSINELLI: Object --
 19 A -- who, of course --
 20 MR. PETROSINELLI: -- Your Honor; hearsay.
 21 THE COURT: Next question.
 22 BY MR. HIRSCHKOP:

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1 consult with these elephants experts on maladies of
 2 elephants and things about elephants?
 3 A Yes.
 4 Q You mentioned they were beaten with a bull hook.
 5 Did you see the Ringling people using bull hooks?
 6 A Yes.
 7 Q I'd like to show you something. Does this
 8 resemble the bull hook that was used by the Ringling
 9 handlers?
 10 MR. HIRSCHKOP: May I approach?
 11 THE COURT: Yes, sir.
 12 A It resembles it. Theirs were longer; and they
 13 were natural wood and were dirty, not shiny.
 14 BY MR. HIRSCHKOP:
 15 Q What about the hook on the end --
 16 A Yes --
 17 Q -- is that --
 18 A -- yes.
 19 Q -- the same?
 20 In light of your feeling about elephants, did you
 21 then start to demonstrate against Ringling Bros. and other
 22 circuses?

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1 Q Don't tell us what someone told you. But go
 2 ahead.
 3 A Some of them had open wounds around their eyes
 4 and their ears. Many of them had -- most of them had scars
 5 around their legs from being chained. They were making
 6 noises that elephants make when they're in distress. They
 7 were nervous and rocking, which is also a sign of distress
 8 for elephants.
 9 Q Did you read a great deal about elephants during
 10 these years, in the '90s?
 11 A Yes, I did.
 12 And also my husband said, "If you're going" --
 13 MR. PETROSINELLI: Objection, Your Honor;
 14 hearsay.
 15 THE COURT: Sustained.
 16 A I went to Africa for two and half to two months
 17 to study elephants with the real elephant experts,
 18 Daphney Sheldrick (phonetic), who has a baby elephant
 19 orphanage, Cynthia Moss, who is the noted elephant expert
 20 in the study of elephants for 35 years now.
 21 BY MR. HIRSCHKOP:
 22 Q Without telling us what they told you, did you

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1 A Yes, we did.
 2 Q Let's talk for a moment about The Elephant
 3 Alliance.
 4 Is this a very large group?
 5 A Not really large, no. We did a lot, but we were
 6 not very large. We would --
 7 Q I'm sorry.
 8 A We would network not only in United States, but
 9 in other countries; and we were a source of information
 10 because we did a great deal of research.
 11 Q When you say you networked, were you controlled
 12 by any other organization?
 13 A No, no. We were a source of information.
 14 Q Did you put out a coloring book?
 15 A Yes.
 16 Q And did a lot of organizations use your coloring
 17 book?
 18 A Yes.
 19 Q Has it been used internationally?
 20 A Yes. It's been translated into Spanish and
 21 Portuguese.
 22 Q Did you give PETA as one of the groups permission

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1 to use your coloring book?
 2 A Yes. Every organization could use it.
 3 Q In the '90s how many paid employees did you have
 4 at The Elephant Alliance?
 5 A We never had any.
 6 Q Aside from yourself, who were the people who
 7 worked full-time for The Elephant Alliance?
 8 A Nobody full-time.
 9 Q Where were the offices of The Elephant Alliance?
 10 A It's in a room -- the front den is our office.
 11 We have file cabinets there, fax, all the things that are
 12 needed for an office.
 13 Q Did you utilize volunteers?
 14 A Yes, uh-huh, occasionally.
 15 Q What did you use volunteers for?
 16 A For computer work, typing letters, compiling
 17 information. Let's see. What else? Printing, taking
 18 things to the printers or having printing done.
 19 Q Were you paid any salary by The Elephant Alliance
 20 lines?
 21 A No, never.
 22 Q Did you plug a lot of your own money into The

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1 Elephant Alliance?
 2 A Yes.
 3 Q Was there any profit-making motive at all in
 4 running The Elephant Alliance?
 5 A No.
 6 Q Why did you do it?
 7 A Well, I guess I love elephants; or it seems to me
 8 once your heart is touched by an elephant, you just can't
 9 get away. I don't know why, other than they just touched
 10 my heart. The cruelty is unbelievable.
 11 Q These volunteers that would help, did you trust
 12 those people?
 13 A Yes.
 14 Q Did you ever think any of your volunteers were
 15 stealing information from inside of your home?
 16 A Never.
 17 Q Did you think any of your volunteers were taking
 18 checks and banking information and private medical
 19 information about you from inside of your home?
 20 A No, I find that hard to believe.
 21 Q Did you ever have any reason to believe that
 22 volunteers were secretly recording information that --

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1 conversations of yours?
 2 A No.
 3 Q Would you describe to the jury, please, in the
 4 period from when you first started demonstrating -- would
 5 that be around 1980 into 1990?
 6 A Yes.
 7 Q -- what the average demonstration at Ringling
 8 Bros. would be like. What was the average demonstration
 9 like?
 10 A Well, we would usually have some literature that
 11 we had had printed or that we had written and put together
 12 and printed to hand out; had a little coloring book for the
 13 children; and the other literature was for adults.
 14 We would -- first of all, we would call the
 15 police and get permission to do this; and they would tell
 16 us where they wanted us to stand.
 17 And then we would -- sometimes we would have a
 18 banner or something to in a sense attract attention so that
 19 people would realize that there was a group there doing
 20 something. And then we would just stand there and hand out
 21 literature to people.
 22 Q And how many people would be generally involved

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1 in one of these demonstrations?
 2 A Oh, anywhere from six to thirty, thirty-five.
 3 Q And were they limited to be in one spot by the
 4 police, the security people?
 5 A Yes, yes.
 6 Q In the course of the period from 1989 through
 7 1998, did you see -- ever see any violence by demonstrators
 8 at a Ringling Bros. Circus demonstration?
 9 A The only violence I saw was from Ringling Bros.
 10 Q I'll get to that.
 11 Did you ever see demonstrators from In Defense of
 12 Animals or your organization -- did In Defense of Animals
 13 demonstrate sometimes?
 14 A Yes, in Los Angeles.
 15 Q Did you ever see any of them or from PAWS accost
 16 any patron of the circus?
 17 A Never.
 18 Q Yell at any patron of the circus?
 19 A Never.
 20 Q Did you ever -- strike that.
 21 If any demonstrator who came at your behest had
 22 screamed at someone, yelled at someone, or accosted

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1 **someone, what would you have done?**

2 A Well we would probably say, you know, it really

3 isn't the thing to do; and we would separate ourselves from

4 them because we wouldn't want to be associated with anybody

5 like that.

6 **Q These venues that you went to, did they hold**

7 **thousands of people?**

8 A Yes, yes.

9 May I say one thing? I forgot. We did some

10 demonstration and orchestrated some in Los Angeles for a

11 couple of years. At those would be maybe 80 to 100 people.

12 **Q Were the 80 to 100 people still limited to one**

13 **spot?**

14 A Yes.

15 **Q In a normal demonstration, were there actually**

16 **more police and guards present than demonstrators?**

17 A Sometimes.

18 **Q Did some of the demonstrators occasionally wear**

19 **PETA T-shirts?**

20 A Gosh. I don't remember.

21 **Q Did you utilize PETA or give out PETA printed**

22 **material from time to time?**

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1 So the lady that was with me, she said, "You

2 know, that is assault." And so I decided I would call the

3 police because he said he was going to call the police to

4 tell them, so I decided to call the police.

5 **Q Let me ask you: What year was that? Was it in**

6 **the --**

7 A Oh dear.

8 **Q Was it in the early '90s?**

9 A Yes, it was. I don't remember exactly --

10 **Q At that time did Mr. Froemming tell you he was an**

11 **employee of the circus?**

12 A No. But I assumed he was. He was on the other

13 side of the fence, and I think he had a thing around his

14 waist.

15 **Q Did you take a picture of him right before that**

16 **assault?**

17 A Yes, I did.

18 **Q Was it after you took the picture that he**

19 **assaulted you?**

20 A Boy. I think so, yes.

21 **Q Now, did Mr. Froemming assault you at any other**

22 **time?**

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1 A No, we didn't because we had our own.

2 **Q Did PETA have any control from the period of 1989**

3 **through 1998 over Elephant Alliance in any way?**

4 A Never.

5 **Q Now, you mentioned there was a time when there**

6 **was violence from Ringling. What happened then?**

7 A The first time was in San Diego. And I was back

8 looking at the elephants. There were three other people --

9 no -- four -- three other people with me, a mother and her

10 son -- her teenage son and then a friend of mine who at

11 that time worked for Humane Society of United States.

12 And I was taking pictures, still pictures and --

13 of the elephants. And this man said -- there were other

14 people taking video and pictures right beside me, and he

15 said --

16 **Q If I may interrupt. Before I saw say what he**

17 **said, was the man Richard Froemming?**

18 A I found out later, yes, it was.

19 **Q What did he say?**

20 A He said, "You can't be here." And he was very

21 rough. And he came up and pushed me by my shoulder and

22 tried to grab my camera. Of course, I backed up.

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1 A Up in Fresno one time. I flew up there to do a

2 demonstration. It was very hot. And the circus and the

3 elephants and all had arrived at the arena grounds or

4 whatever it was. And we were giving -- we were being

5 interviewed by the Fresno Bee, and there was a photographer

6 there also.

7 And all of a sudden from over the fence and

8 behind one of the trucks, somebody was up on something and

9 hosed us down with the hose, with water.

10 **Q Did you see who it was?**

11 A Well, it was the same person, Richard Froemming,

12 yes.

13 **Q During these demonstrations, did there come a**

14 **time when a group called Putting People First started to**

15 **demonstrate or counterdemonstrate against your**

16 **demonstrations?**

17 A Yes, they started to demonstration.

18 **Q Do you recognize this gentleman sitting right**

19 **here Mr. Kendall (indicating)?**

20 A Yes.

21 **Q How did you get to know Mr. Kendall?**

22 A Well, he was the one -- I guess, their leader.

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1 And he would always holler my name and come up and push his
 2 camera in my face and tell me the pictures were for the FBI
 3 and -- I don't know -- just all sorts of silly things.
 4 **Q Okay. And did you know that Mr. Kendall was a**
 5 **paid operative for Ringling?**
 6 A It was rumored. I didn't know it for sure. But
 7 we had heard this, and that the people that were there were
 8 paid a hundred dollars a day to just come and demonstrate
 9 for them.
 10 **Q Did you have interchange with some of the other**
 11 **groups, IDA and PAWS, who were putting on a number of**
 12 **demonstrations in California?**
 13 A I'm not sure what you mean by "interchange".
 14 **Q Would they be at demonstrations the same as you**
 15 **were?**
 16 A Oh, yes, yes.
 17 **Q Did you get to know Elliott Katz, the head of**
 18 **IDA?**
 19 A A little bit.
 20 **Q And did you get to know Pat Derby the head of**
 21 **PAWS?**
 22 A Yes, uh-huh.

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1 **Q To your knowledge, does PETA have any control**
 2 **over those groups?**
 3 A No.
 4 **MR. PETROSINELLI: Objection; foundation.**
 5 **THE COURT: Sustained.**
 6 **BY MR. HIRSCHKOP:**
 7 **Q Did you ever see PETA involved in any**
 8 **demonstration in California between 1989 and 1998 against**
 9 **Ringling Circus?**
 10 A None that I attended.
 11 **Q Where did you keep the records of The Elephant**
 12 **Alliance?**
 13 A In the office in my home in files.
 14 **Q And how did you finance The Elephant Alliance?**
 15 A Well, we did have membership. And people began
 16 to know about us. And the membership was \$25 or whatever,
 17 and sometimes we would receive -- we never promoted because
 18 we were always too busy working on issues since we didn't
 19 have a big staff, so we never pushed for mailings or things
 20 like that.
 21 But people would hear about us and sometimes
 22 because of demonstrations, as a matter of fact; and so, I

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1 think, would be a member.
 2 **Q Did you have donors?**
 3 A A few donors, yes. We did have a few that were
 4 very supportive of the work we were doing.
 5 **Q Without the permission of donors to make their**
 6 **names public, did you consider the information you had to**
 7 **be confidential?**
 8 A Of course.
 9 **Q Did you consider your checks and checkbooks kept**
 10 **in your house to be confidential?**
 11 A Yes, I did.
 12 **Q Did you consider your bank accounts and banking**
 13 **information to be confidential?**
 14 A Yes, of course.
 15 **Q Did you ever give permission to anyone to take**
 16 **any of that information and send it to Mr. Feld or**
 17 **Mr. Feld's vice presidents?**
 18 A No.
 19 **Q Did you ever have any inkling prior to several**
 20 **months ago that that was being done?**
 21 A No, I didn't at all.
 22 **Q Did there come a time when you met a**

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1 **Ms. Julie Lewis?**
 2 A Yes.
 3 **Q How did that come about?**
 4 A Well, she called me and told me she loved
 5 elephants and she wanted to know what she could do to help
 6 and did we have volunteers. And I, of course, said yes to
 7 all of those.
 8 And then she informed me that she lived newspaper
 9 Manhattan Beach, which is north of San Diego by maybe a
 10 hundred miles or so. I said, "That's too bad," because she
 11 sounded like she would be a good volunteer.
 12 She said, "I can come down there." I said, you
 13 know, "It's a long way." She said, "No, no. I can come
 14 down."
 15 So she volunteered to come down and help.
 16 **Q Did she disclose to you she was a paid operative**
 17 **of Mr. Feld's?**
 18 A No.
 19 **MR. PETROSINELLI: Objection. He's testifying.**
 20 **He can't ask this witness whether she was a paid operative**
 21 **of Feld.**
 22 **MR. HIRSCHKOP: I didn't ask if she was. I asked**

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1 if she ever disclosed that.

2 I'll rephrase the question.

3 THE COURT: Rephrase.

4 BY MR. HIRSCHKOP:

5 Q She ever tell you she was a paid operative of

6 anybody?

7 A No.

8 Q Did she ever tell you whether or not she knew

9 Richard Froemming?

10 A No.

11 Q Did she ever tell you whether or not she was

12 paying -- being paid any money by Richard Froemming?

13 A No.

14 Q Did she ever tell you whether or not she had been

15 solicited by Richard Froemming to infiltrate your

16 organization?

17 A No, never.

18 Q Did she ever disclose to you she was removing any

19 information documents from your organization to send to

20 Ringling Bros.?

21 A No.

22 Q How close did she get to you?

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1 A Well, she came down and volunteered a couple of

2 times. And then I said, "Well, if you're going to stay

3 over, you're welcome to stay in my home, rather than pay

4 for a motel." So she did. She stayed in the guest room.

5 And we had meals together.

6 She one time brought her son -- or a couple times

7 brought her son down, and she also was down for a

8 demonstration at Ringling -- not of Ringling, but of

9 another group. It was orchestrated by the producer of Free

10 Willy. Oh, dear; I've forgotten his name.

11 But, anyway, they were setting up a big

12 demonstration for three dolphins that were captured and

13 were being held in a very small tank in San Diego. So

14 there were maybe about 15 celebrities and about 500 people

15 at that demonstration because of that.

16 But Elephant Alliance was involved only in that

17 we offered to set up the refreshment room in the hotel for

18 all the celebrities. So she came down and her son and

19 helped us with that.

20 Q During the period of 1989 through 1998, when you

21 were demonstrating against the Ringling Bros. Circus, did

22 you have anything to do with ALF?

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1 A No.

2 Q Did you ever see any ALF involvement in any

3 demonstration that you were at?

4 A Never.

5 Q Did you engage in any terrorist activities with

6 regard to circuses during that period of time?

7 A No.

8 Q After -- or during the time you met Ms. Lewis,

9 did you ever recall hearing of an Anita Walker?

10 A No.

11 Q Did a woman named Catherine show up on your

12 doorstep at some point?

13 A Catherine Stevens, yes.

14 Q Tell us about Catherine Stevens, please.

15 A I guess she called too. I can't really remember

16 how I met her. I assume she called. Yes, she did.

17 She wanted to volunteer, but she was out of town.

18 And she was based, I think, up in the Bay Area. And I

19 said, "But, well, how can you volunteer?"

20 And she said, well, she had -- she was a nurse,

21 and she only had to work ten days out of month because her

22 client's husband was quite ill and the client needed ten

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1 days off of the month just as a break from taking care of

2 her and her husband, so she was free the rest of the time,

3 and the client apparently paid her very well.

4 So I believed her, unfortunately.

5 Q Did you become aware whether or not she was an

6 operative for Mr. Feld?

7 A No, not at all.

8 Q Prior to a few weeks ago, did you become aware --

9 MR. PETROSINELLI: Objection --

10 A No.

11 MR. PETROSINELLI: -- Your Honor. I object to

12 Mr. Hirschkop asking her what she learned two weeks ago,

13 which is clearly hearsay. She doesn't have any personal

14 knowledge of anything. If she learned it, she learned it

15 from him saying something to her.

16 MR. HIRSCHKOP: Or perhaps --

17 THE WITNESS: No. I learned it from records,

18 really.

19 MR. HIRSCHKOP: Let the judge rule.

20 THE COURT: Overruled.

21 BY MR. HIRSCHKOP:

22 Q Now, with regard to this Catherine Stevens, did

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<p>1 you pay her money? 2 A No. 3 Q Did both she and Ms. Lewis lead you to believe 4 they had ample private funds of their own? 5 A Yes. 6 Q Did you have any reason to believe those funds 7 might be coming from Froemming and ultimately from 8 Mr. Feld? 9 A No. 10 Q Did Catherine Stevens also stay in your home? 11 A Yes, she did. 12 Q Did she start taking care of your books? 13 A Yes, she helped us in the office. 14 Q Did you give her permission to send your private 15 banking information to anyone else? 16 A No, of course not. 17 Q Did you give her permission to send your private 18 medical information to anyone else? 19 A No. 20 Q Did you ever have an inkling that that might be 21 happening? 22 A Not at all.</p>	<p>1 the animals from the train to the arenas. 2 After they became acquainted with what we were 3 doing and that we were there and videotaping or taking 4 pictures or having media there, they would then rush the 5 animals and make them run fast, which, there again, in my 6 mind, was wrong because the elephants had been chained and 7 standing for -- in San Diego they had been chained and 8 standings at least 22 hours and then all of a sudden they 9 make them get out and run fast. And these animals were 10 invalid anyway, arthritic and ill. 11 But they would rush them and run them quickly so 12 we couldn't keep up with them -- at least that was their 13 purpose. However, we did keep up with them. 14 And that was basically the elephant walk. 15 Q Well, when you say "we kept up with them," were 16 there aa whole lot of people keeping -- 17 A No. Usually at the unloading we had maybe 18 anywhere from three to six people. 19 Q Did you three to six people ever in any way 20 interfere with those animals? 21 A Never, no. 22 Q Did you people ever, in your experience -- I'm</p>
Page 1065	Page 1067
<p>1 Q Have you seen documents where that, in fact, did 2 happen, private banking information and checks? 3 A Yes, that -- yes, I did. 4 Q Did you expect both Catherine Stevens and 5 Julie Lewis to maintain the confidentiality of your home 6 and your business? 7 A Yes, of course. 8 They both had given me gifts. They were good 9 volunteers. 10 Q Did you ever have any belief that either one of 11 them was recording private conversations of yours? 12 A Never. 13 Q Did you ever give either one of them permission 14 to record private conversations -- 15 A No. 16 Q -- of yours? 17 A No. 18 Q During the time that you demonstrated against 19 Ringling between '89 and '98, did you see animal walks? 20 A Yes. 21 Q What would happen in an animal walk? 22 A Well, it -- in the beginning they would just walk</p>	<p>1 still through the period of '89 through '98 -- in any way 2 do anything that would incite or endanger those animals? 3 A No. 4 Q Would you ever have done something like that? 5 A No, no. 6 Q Did you ever see any other animal rights group 7 during this period, '89 to '98, in any way interfere with 8 the animal walk? 9 A No. 10 Q Get in front of animals, try to incite the 11 animals, anything like that? 12 A No. 13 Q Are you opposed to circuses in general? 14 A Only -- only when they abuse animals that are in 15 there. 16 Q Are you opposed to Cirque du Soleil? 17 A No. 18 Q Have you ever seen hot shots being used by circus 19 handlers? 20 A Only on video. 21 Q Did you get videos from time to time of Ringling 22 Bros. people handling elephants?</p>

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1 **MR. PETROSINELLI: Objection, Your Honor;**
 2 **hearsay.**
 3 **THE COURT: Overruled.**
 4 A Did I --?
 5 BY MR. HIRSCHKOP:
 6 **Q Did you get videos of the Ringling Brothers**
 7 **Circus elephants from time to time?**
 8 A Yes, yes.
 9 **Q Where did you get these videos?**
 10 A Did we take them or obtain them?
 11 **Q Did you obtain them?**
 12 A Oh, yes. Sometime from other organizations --
 13 they would send us what they took when they were in their
 14 areas. I think -- let's see. Somewhere there -- there was
 15 an incident where a couple horses were abused, so they sent
 16 us that video. There was an incident -- several incidents
 17 in Northern California, and different people would or
 18 groups would send us video that they had taken.
 19 **Q Did you from time to time get calls from**
 20 **whistle-blowers, ex-employees inside the circus?**
 21 A Yes, uh-huh.
 22 **Q Did they provide you information about Ringling**

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1 **Bros.' treatment of animals?**
 2 A Verbally, yes, they did.
 3 **Q I asked about you Anita Walker before.**
 4 **Did you have when you came here a picture of you**
 5 **and Anita Walker in a newspaper -- or a picture of**
 6 **Anita Walker in the newspaper?**
 7 **MR. PETROSINELLI: Your Honor, can we approach?**
 8 **THE COURT: I said he could ask that.**
 9 A I brought a picture that was taken by the
 10 San Diego Union of myself and Christine Stevens.
 11 **Q Catherine Stevens?**
 12 A Excuse me. Thank you. Catherine Stevens.
 13 **Q Okay. That's all I need to know. Thank you.**
 14 **In the course of these demonstrations, did you**
 15 **keep track through governmental and other reports of the**
 16 **deaths of elephants in the Ringling Bros. Circus?**
 17 A We tried to as much as we could, though many
 18 deaths are hidden. But we did start what we call a death
 19 list, yes.
 20 **Q And did you ever, in fact, personally write to**
 21 **Mr. Feld to go see him?**
 22 A Yes, a couple of times.

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1 **Q Did he agree to see you?**
 2 A No.
 3 I wrote very nice letters to Mr. Feld.
 4 **Q Did there come a time when PETA sent you a list**
 5 **of cooperative groups around the country, a network list?**
 6 A I called and asked them if they had a list of
 7 contacts or organizations or individuals in cities, and
 8 they said yes they had a list, and I asked them to send it
 9 to me, and they did.
 10 **Q What did you understand this list to be?**
 11 A Just people that -- in certain cities that could
 12 be contacted about animal issues of any type, that they
 13 would be possibly be able to look into them.
 14 **Q You've been in the animal rights movement for 17**
 15 **or 18 years?**
 16 A Yes, I believe so.
 17 **Q Have you become familiar with the Humane Society**
 18 **of the United States?**
 19 A What was the first thing you said?
 20 **Q The Humane Society of the United States.**
 21 A What happened?
 22 **Q Have you become familiar with the Humane Society**

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1 **of the United States?**
 2 A Yes.
 3 **Q Do you know Wayne Pacelle, the director? --**
 4 A Yes.
 5 **Q -- of the Humane Society of the United States?**
 6 A Yes.
 7 **Q And does PETA have any control over that --**
 8 **MR. PETROSINELLI: Objection, Your Honor;**
 9 **foundation.**
 10 **THE COURT: Sustained as to foundation.**
 11 **BY MR. HIRSCHKOP:**
 12 **Q Is the Humane Society of the United States**
 13 **multiple sizes of PETA, much larger than PETA?**
 14 A I don't think so, no.
 15 **Q Okay. Do you know what its budget is?**
 16 A HSUS?
 17 **Q Yes.**
 18 A No, I don't.
 19 **Q Did you ever see any control PETA exercised over**
 20 **them --**
 21 A No.
 22 **Q -- in your dealings with them?**

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1 A No.

2 Q If they were on the list -- strike that.

3 Did you understand that list was to be your

4 others use and confidentially not be distributed?

5 A Yes.

6 Q With regard to the circus, did you study how

7 frequently and see how frequently they were actually

8 inspected by the United States Department of Agriculture?

9 A Yes. We looked into that, and we asked because

10 obviously it was not doing any good.

11 Q Were there frequent inspections, from your

12 observation?

13 A No.

14 Q Did you learn about Romeo and Juliet, two babies

15 forced to perform in the Ringling Bros.-Barnum & Bailey

16 Circus?

17 A Yes.

18 Q What did you learn?

19 A Basically they were very young elephants and

20 should not be separated from their mothers and they should

21 be allowed the play and act like baby elephants. But they

22 were chained and separated from their mothers and taken

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1 into the arena and forced to do whatever Ringling wanted

2 them to.

3 Q From your study of elephants, did you learn

4 whether or not baby elephants generally stay with their

5 mother for at least two years --

6 MR. PETROSINELLI: Your Honor, objection. This

7 is what we talked about at the bench earlier.

8 MR. HIRSCHKOP: I'll make it easy. I'll withdraw

9 that question, Your Honor.

10 BY MR. HIRSCHKOP:

11 Q Why is it you objected to baby elephants being

12 taken away from their mother?

13 A Because by nature elephants have a life-long

14 relationship, mothers and daughters and aunts; they never

15 set free.

16 The males stay with the family with the mothers

17 till their puberty (sic) and -- and then kind of go off on

18 their own or with other little groups that are kind of

19 supervised by an older male.

20 But there is a lifetime attachment between a

21 mother and a daughter that's never broken.

22 Q Did you ever distribute any videotapes of

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1 elephants in the Ringling Circus that were not accurate?

2 A No.

3 Q You said that you wrote to meet Mr. Feld, he

4 refused to meet with you.

5 Did they offer a substitute to meet with you?

6 A Yes, the second time they did.

7 Q And did you meet with that person?

8 A I did, yes.

9 Q Was that Andy Ireland, the vice president of

10 Feld?

11 A Yes.

12 Q What happened in the meeting with Mr. Ireland?

13 A Well, I asked Wayne Pacelle, who was at that time

14 with the Fund for Animals -- maybe he was HSUS then -- to

15 go with me.

16 So the three of us had lunch. And I tried to

17 bring up -- and brought the video and some pictures and --

18 and tried to let Mr. Ireland know some of these things that

19 happened.

20 But he was closed to it. He denied it and said

21 that they do not allow anything to happen to their animals

22 that would hurt them. And so he wouldn't even look at the

Page 1075

1 pictures, the video. Well, they had the video. But he

2 denied that any of this ever occurred.

3 Q During the period '89 to '98 -- or from when you

4 started The Elephant Alliance to 1998, did you share any

5 common directors with PETA?

6 A No.

7 Q Did you share any officers with PETA?

8 A No.

9 Q Did you receive any funds from PETA?

10 A No.

11 Q Did you send any funds the PETA?

12 A The last -- after what year?

13 Q '98.

14 A Oh, no.

15 Q Did you have any common employees with PETA?

16 A No.

17 Q Did PETA provide any services for you?

18 A No.

19 Q Would you look at Exhibit No. 32, please.

20 A Which one?

21 Q There are tabs. Look at No. 32.

22 A Oh, excuse me. I'm sorry.

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1 Q Thank you.

2 A Okay.

3 Q You see the front page of 32, it says,

4 "Confidential. PAWS. August 14, 1990"?

5 A Yes, uh-huh.

6 Q Okay. Now, it says there, "August 14, 1990.

7 Blue show is in Fresno. So are the activists penetrating

8 boxcar security."

9 Did you ever penetrate any boxcar security?

10 A I stood and held my video and took pictures of a

11 terrible elephant that was in terrible distress, and that

12 was it.

13 Q Did you physically go into a boxcar?

14 A No, of course not.

15 Q Did you see elephants in the boxcars?

16 A Yes.

17 Q How much room do those animals have in the

18 boxcars?

19 A Less than when they're standing outside. It's --

20 they're just standing right where they are, and that's it,

21 and they're chained.

22 Q Is the boxcar wider than the width of two

Page 1077

1 elephants?

2 A Very little.

3 Q Are the elephants chained in the boxcar?

4 A Yes. And they're beside each other and then in

5 the front and the back, yes.

6 Q It continues, "Took elephant videos. Expect

7 demonstrations against show today by Lambert,

8 Florence Lambert. Elephant Alliance is running the show.

9 Phone number. Was flown in from La Jolla, private pilot

10 friend. Is trying to get information on two elephants that

11 died."

12 Were you trying to get information on elephants

13 that died; do you recall?

14 A Well, I was always trying to get information on

15 elephants that looked sickly. In 1990 -- I'm trying to

16 think when those two died.

17 Q I'm sorry. If you don't recall, I'll move on.

18 Moving down another sentence, "But more

19 important, has video footage of Gunther" --.

20 Do you remember Gunther Goebel-Williams?

21 A Oh, yes, uh-huh.

22 Q -- "beating elephants. Has not released same to

Page 1078

1 the press yet."

2 Did you have footage Gunther Goebel-Williams

3 beating elephants?

4 A Yes.

5 Q It says at the bottom, "Operative is preparing

6 complete background on Florence Lambert."

7 Did you know in August of 1990 they had some

8 operative preparing information on you?

9 A Not at all.

10 Q Would you look at Exhibit 41 in that book,

11 please.

12 A It's been redacted.

13 Q Do you have 41, ma'am?

14 A Yes, I do.

15 Q Okay. If you look, please -- see in the lower

16 right corner there's a Smith-PETA 012 CT?

17 A Yes, uh-huh.

18 Q Turn the pages till you come to Smith-PETA 0017.

19 A 0017. Is it at the end?

20 Q Yeah.

21 A I'll find it. 0017.

22 MR. HIRSCHKOP: May I approach, Your Honor?

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1 THE COURT: Yes, sir.

2 THE WITNESS: Oh, I found it. There are two

3 Smiths. Okay.

4 BY MR. HIRSCHKOP:

5 Q You see in the middle of page -- above the middle

6 it says, "PAWS' reaction to the demonstration"? The first

7 writing on the page after the word "redacted".

8 A I don't see "redacted" on this page, 0017. I see

9 lots in the middle.

10 Q Let me move on.

11 Do you see where it says "lots"?

12 A Yes.

13 Q Look down where it says "problem".

14 A Yes.

15 Q Below that, "Prior to the fund-raiser gala wants

16 to see Kenneth Feld, Ringling office."

17 Did you go to a gala that apparently PETA had

18 about that time in the East Coast here?

19 A Is this in '91 or something?

20 Q September 1990.

21 A Yes, I probably did. I think they had one of

22 their galas here.

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1 Q And is that when you tried to see Kenneth Feld
 2 the first time?
 3 A Yes.
 4 Q It says two paragraphs down -- or just below
 5 that, "Trying to document length of travel 5,000 miles.
 6 Time spent in boxcars and cages."
 7 A Uh-huh.
 8 Q What were you trying to document?
 9 A Just giving facts that these animals are in cages
 10 and chained for that many miles without any relief,
 11 standing there in feces and urine, lying in their own
 12 waste.
 13 Q Look at Document No. 69, please.
 14 A 69?
 15 Q Yes.
 16 A All right.
 17 Q You see that's a confidential PAWS December 10,
 18 1999, report?
 19 A Right, uh-huh.
 20 Q And the first page, you see where it says,
 21 "Operative spends two weeks," dash, "California," right
 22 around the middle?

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1 A Yes.
 2 Q "Splits time between Lambert and PAWS."
 3 Did you have any knowledge whether Julie Lewis
 4 was splitting time between you and PAWS?
 5 A No.
 6 Q Did Ms. Lewis ever disclose to you she was also
 7 working as a volunteer for PAWS?
 8 A No.
 9 Q Did Ms. Lewis ever disclose to you she removed
 10 financial documents from PAWS and given them to
 11 Mr. Froemming?
 12 A No, not at all.
 13 Q "Lambert currently involved in major project
 14 handing out thousands of cans of dog food. This lady is
 15 not playing with a full deck."
 16 Did you have any knowledge these undercover
 17 operatives thought you weren't playing with a full deck?
 18 A No. But I mean we were handing out a lot of dog
 19 food that had been donated, so we were helping to
 20 distributed it.
 21 Q "However, she has her network in place for the
 22 next year. She will be the main threat against the

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1 circus."
 2 Did you, in fact, stage most of the
 3 demonstrations against Ringling Bros. in California during
 4 this period in 1990?
 5 A Most of them? Half of them at least.
 6 Q It says, "PAWS. Feels she is a nut. Let her
 7 take the rap any lawsuits or physical retribution."
 8 Other than Mr. Froemming assaulting you two
 9 times, did you ever have any other physical retribution for
 10 what you did?
 11 A No, not that I can remember.
 12 Q It says, the next paragraph down, "Lambert will
 13 run her campaign against Ringling via her nationwide
 14 network."
 15 What was this nationwide network?
 16 A Well, they probably are referring to the fact
 17 that we thought it would be a good idea to have
 18 demonstrations in every city that Ringling had the animals
 19 and to have somebody there when they got off the trains or
 20 the -- you know, the train boxcars; and so we would try to
 21 contact someone in that area. But I guess I didn't think
 22 it was a big campaign.

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1 Q Okay. Look at the next page, please. You see,
 2 "On to PAWS and life at the shelter," with some dashed
 3 lines beneath it? Do you see that, ma'am?
 4 A Tell me again.
 5 Q The top of the next page, "On to PAWS" --
 6 A Yes.
 7 Q -- "and life at the shelter."
 8 Then if you look down a third a way of the page,
 9 there's another line, "Operative develops Pat Derby's
 10 Social Security number." Do you see that?
 11 A Yes.
 12 Q After that it has her Social Security number.
 13 Was your Social Security number available to
 14 these operatives in the records they were going there
 15 through?
 16 A It should not have been, no.
 17 Q Then there's credit card information.
 18 Did Ms. Catherine Stevens and this other woman
 19 Lewis, when they stayed in your home, have access to your
 20 credit card information through the records they were going
 21 through?
 22 A No.

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<p>1 Q Would you look at Exhibit 81, please.</p> <p>2 A All right.</p> <p>3 Q This is an April 15, 1991, document. It has,</p> <p>4 "Chuck Smith, personal and confidential," at the top. Do</p> <p>5 you see that?</p> <p>6 A Yes.</p> <p>7 Q The second paragraph down, "The operative will be</p> <p>8 in California starting Saturday April 20, 1991, and will be</p> <p>9 with Doll Stanley through Wednesday April 24, 1991. She</p> <p>10 then will be going to San Diego to spend some time with</p> <p>11 Florence Lambert to monitor her campaign against Ringling."</p> <p>12 Did you know that the same operative that was</p> <p>13 coming to you was also going to IDA to get information from</p> <p>14 Doll Stanley?</p> <p>15 A No, not ought all.</p> <p>16 Q "Ms. Lambert then is going back to Sacramento to</p> <p>17 show a revised three-minute video documenting what she</p> <p>18 claims is animal abuse on behalf of Ringling. I hope to</p> <p>19 have the tape in our possession before she shows it in</p> <p>20 Sacramento."</p> <p>21 Did you know these operatives were removing tapes</p> <p>22 from your home before you made them public, to send them to</p>	<p>1 A No, I never heard of it.</p> <p>2 Q If it had happened, would you have known about</p> <p>3 it?</p> <p>4 A Yes.</p> <p>5 Q "Florence Lambert going to bring out a lot of</p> <p>6 troops."</p> <p>7 Did you ever bring out a lot of troops to any</p> <p>8 PETA demonstration against the circus?</p> <p>9 A No.</p> <p>10 THE WITNESS: Excuse me.</p> <p>11 BY MR. HIRSCHKOP:</p> <p>12 Q Look at two pages farther on, please. It says,</p> <p>13 "One last item about our future plans," at the top.</p> <p>14 A Uh-huh. Okay.</p> <p>15 Q And in the -- about a third of the way down,</p> <p>16 "Speaking of Florence Lambert." Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Is your name spelled right there?</p> <p>19 A No.</p> <p>20 Q "This little lady has major plans for this year.</p> <p>21 First she is updating her press release, reading old Barnum</p> <p>22 & Bailey fact books."</p>
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<p>1 Ringling?</p> <p>2 A No.</p> <p>3 Q Did you give permission for them to do such</p> <p>4 things?</p> <p>5 A No.</p> <p>6 Q Would you have been horrified if you found out</p> <p>7 they did it?</p> <p>8 A Yes. I couldn't believe that they --</p> <p>9 Why did they do that?</p> <p>10 Q Look at Exhibit 91, please.</p> <p>11 A All right.</p> <p>12 Q If you would look at the third page of that</p> <p>13 document, do you see it says, "Upcoming plans for PPF," at</p> <p>14 the top?</p> <p>15 A Yes.</p> <p>16 Q Do you recognize "PPF" as "Putting People First"?</p> <p>17 A Putting People First, yes.</p> <p>18 Q It says, "Currently organizing San Diego</p> <p>19 demonstration. This will be a big one by PETA."</p> <p>20 In the period of 1991 do you know of PETA ever</p> <p>21 putting on a big demonstration against Ringling in the</p> <p>22 San Diego area?</p>	<p>1 Did you realize that operatives were reporting on</p> <p>2 what were you reading and studying in your own home?</p> <p>3 A No.</p> <p>4 Q "Pulling facts from same to add to her press</p> <p>5 release."</p> <p>6 Did you keep your press release as updated as</p> <p>7 possible?</p> <p>8 A Oh, yes.</p> <p>9 Q It goes on, "First one she's going to use,</p> <p>10 approximately a hundred years ago during a performance in</p> <p>11 England one of bull elephants killed a handler."</p> <p>12 Do you recall putting that in one of your fact</p> <p>13 sheets?</p> <p>14 A Yes.</p> <p>15 Q Did you update that by giving a history of the</p> <p>16 death of animals at the hands of the Ringling Circus?</p> <p>17 A Yes.</p> <p>18 Q Look at the next page, please. You see at the</p> <p>19 top, "Some of the questions being asked by Florence"?</p> <p>20 A Yes.</p> <p>21 Q It says, "Phoenix, Arizona," you see about a</p> <p>22 third of the way down?</p>

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1 A Uh-huh.

2 Q "June 25. Florence has organized a

3 demonstration. She herself will not be present; but good

4 possibility Doll Stanley, In Defense of Animals."

5 Did you have demonstrations where both you and

6 people from In Defense of Animals would be present or your

7 group would be present?

8 A I don't think so.

9 Q "Speaking of Phoenix, this is important," do you

10 see that?

11 A Uh-huh, yes.

12 Q "Florence wants to find someone to put undercover

13 into Ringling's show."

14 Did that ever happen, ma'am?

15 A No.

16 Q Did you ever try to put an undercover operative

17 in a Ringling show?

18 A Never.

19 Q The next page, please. "Suggestion," do you see

20 that?

21 A Yes.

22 Q "Why not put one of our operatives in the show,

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1 feed whatever information we want to Florence. This will

2 control the information she is getting."

3 Were you aware that there was some kind of scheme

4 like this?

5 A No.

6 Q Did the operatives -- did either

7 Catherine Stevens or Julie Lewis feed you information from

8 time to time that they claimed to be getting from Ringling

9 or about Ringling?

10 A I think Catherine Stevens went to Phoenix once,

11 and she called me. But I can't remember anything that

12 would have been out of the ordinary, other than she said it

13 was very, very hot when the animals were unloaded and there

14 were a couple of demonstrators there. That was about it.

15 It was nothing that made me question anything.

16 Q Look at the next, No. 95, please -- Exhibit 95.

17 Sorry.

18 A Okay.

19 Q If you would please, look at the second page.

20 You see it says, "Richlin Consultants," at the top?

21 A Yeah.

22 Q If you would look about five paragraphs down, it

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1 starts, "Stephanie Nichols Young".

2 A Uh-huh.

3 Q "The president of the local group of Phoenix has

4 been talking both to our operative and also to

5 Florence Lambert and wants to try to get a demonstration

6 together when the show arrives in Phoenix. Last year she

7 indicated when the animals were unloaded, it was 120

8 degrees."

9 Was that a continuing problem in Southern

10 California and in Arizona and other places that were very

11 hot, of these animals being unloaded in very high

12 temperatures?

13 A Yes, it was.

14 San Diego was perhaps not the hottest, but

15 certainly Phoenix and L.A. and some of the -- Fresno and

16 other areas in between, yes, it was terribly hot.

17 Q In their native habitat do elephants normally

18 live in very hot places?

19 MR. PETROSINELLI: Objection, Your Honor.

20 MR. HIRSCHKOP: I'll withdraw.

21 THE COURT: Sustained.

22 BY MR. HIRSCHKOP:

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1 Q What was your objection to their being unloaded

2 in hot places?

3 A First of all, elephants -- sure, Africa is hot;

4 and Asia can be hot too. But they always have access or

5 normally would have access to water constantly. They would

6 have mud always. They would have rivers and water where

7 they could immerse themselves and cover themselves with mud

8 to protect their skin from sunburn, because, like I state,

9 they do get sunburned and they had do suffer heat stroke as

10 well as many other physical ailments, such as tuberculosis

11 that we have also.

12 So obviously their being out in the sun like that

13 and being made to run was very hard on these animals. When

14 they were taken off the trains, they were not given water,

15 even though they were whining and making terrible noises.

16 You knew they wanted something to drink, and yet they were

17 made to run.

18 Q Next paragraph, "If the same situation occurs" --

19 I'm --

20 A Got it.

21 Q "If the same situation occurs this year, they

22 feel this will serve to bring the attention of the press,

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1 the conditions that the animals are forced to travel under.
 2 I would suggest if it's really hot, that something be done
 3 from the show's standpoint to counter potential claims of
 4 animal activists."
 5 Continuing, next paragraph, "Maybe a water fight
 6 between the elephants and some of the clowns for the
 7 benefit of the press. Just having the animals sit in the
 8 boxcars with animal rights demonstrators holding signs,
 9 'Watch Them Cook'" underlined, "makes for adverse press
 10 coverage."
 11 Did you hold signs, "Watch Them Cook"?
 12 A We never did. I guess that was Phoenix probably
 13 that did that.
 14 Q Did you have an opinion that signs like that
 15 would be accurate?
 16 MR. PETROSINELLI: Objection --
 17 A Certainly.
 18 MR. PETROSINELLI: -- Your Honor; opinion.
 19 THE COURT: Sustained.
 20 BY MR. HIRSCHKOP:
 21 Q Look at the next page please. You see the first
 22 paragraph, "I have talked to Mr. Bloom"?

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1 A Uh-huh.
 2 Q Okay. If you would, please, look at the fifth
 3 paragraph down. "Our second option is to place our own
 4 individual in the show and control the information that we
 5 want Florence to receive and perhaps put an end to her
 6 thoughts of putting individuals undercover in the show."
 7 Did you have thoughts of putting individuals
 8 undercover in the show?
 9 A No.
 10 Q Did you realize you were getting information
 11 through an individual to control what you believed?
 12 A No.
 13 Q Look at Exhibit 108. If you would, ma'am, the
 14 second page, sixth paragraph down, "I would suggest we put
 15 together a list of the information you want us to release
 16 to Florence through the undercover operative, who in turn
 17 will pass same on to the operative in California through
 18 myself."
 19 Did you have any inkling that Ringling Bros. or
 20 Mr. Feld was trying to subject you to that kind of mind
 21 control?
 22 A Not at all.

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1 Why were they doing this is what I'd like to
 2 know. It's terrible.
 3 Q Look at Exhibit 118, please. If you would,
 4 ma'am, look at the third -- well, it's the one that says,
 5 "Smith PETA," at the bottom, "0944," the fourth page.
 6 A All right. I have it.
 7 Q It says at the very bottom -- or I'm sorry. Look
 8 at the paragraph above that. "I have included a T-shirt
 9 which will be worn my members of Putting People First".
 10 Did you see Putting People First with T-shirts
 11 on?
 12 A Yes.
 13 Q "At the San Diego demonstration which will match
 14 the bumper stickers we plan to place on activists' cars.
 15 I'm sure Ms. Lambert will enjoy seeing this."
 16 Did Putting People First ever put any bumper
 17 stickers on your cars?
 18 A No.
 19 Q Last paragraph, "In regards to the individual in
 20 Sacramento, after the Phoenix demonstrations, state will be
 21 going to Sacramento and placing him under surveillance for
 22 the rest of week into the weekend."

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1 Did you know whether or not they were placing
 2 people in Sacramento under surveillance?
 3 A No.
 4 Q Did you ever deal with Senator McCorquodale?
 5 A Yes.
 6 Q Did Senator McCorquodale stay in Sacramento when
 7 the legislature was in session?
 8 A When it was in session?
 9 Q Yes.
 10 A Yes.
 11 Q Was Senator McCorquodale sponsoring a bill that
 12 would have kept the elephants from performing in the
 13 circus?
 14 A That would have kept them from performing? No.
 15 Q Did he sponsor any bills that would have affected
 16 the use of elephants by the circus?
 17 A No. It would have improved the condition of the
 18 elephants in the circus.
 19 Q Okay. Did you have occasion to deal with
 20 Senator McCorquodale?
 21 A Yes.
 22 Q Did Senator McCorquodale speak at some of your

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1 conferences?
 2 A At our first conference, yes, uh-huh.
 3 Q Did you ever become aware that checks relating to
 4 Senator McCorquodale or a check at least relating to
 5 Senator McCorquodale was taken from your residence and sent
 6 to Mr. Steve Kendall?
 7 A No.
 8 Q Did you ever give permission for anyone to do
 9 that?
 10 A No.
 11 Q Did you ever become aware that Mr. Kendall used
 12 that check against Senator McCorquodale?
 13 A No.
 14 Q Did you ever see Mr. Kendall's book?
 15 A No, not until Saturday, Friday or --? I was
 16 aware that there was a book. I haven't read it.
 17 Q Look at 126, please. Do you have it?
 18 A Yes.
 19 Q This is a July 2, 1991, report to Chuck Smith
 20 from Mr. Froemming. Look at the second page of this
 21 report.
 22 A All right.

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1 Q The third paragraph down, "In regards to the
 2 individual we have working undercover for Florence Lambert
 3 in the show, I have included a statement for services."
 4 Did you realize in July of '91 that they still
 5 had an undercover operative working with you?
 6 A No, I had no idea.
 7 Q Two paragraphs down, "Once the show reaches
 8 San Diego" --
 9 A Uh-huh.
 10 Q -- "I would suggest that we get rid of undercover
 11 operative. Ms. Lambert wants the undercover operative to
 12 contact her directly on the phone, so she may ask specific
 13 questions about the show."
 14 Do you have any idea what that is about?
 15 A No, I really don't.
 16 Q The last sentence, "We could record these
 17 conversations for probable" -- "possible use against her at
 18 a later time."
 19 Did you realize at any time these operatives were
 20 contemplating privately recording your private
 21 conversations in the State of California?
 22 A No.

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1 Q Did you become aware of whether or not it was a
 2 criminal offense to privately record private conversations
 3 in the State of California?
 4 MR. PETROSINELLI: Objection, Your Honor.
 5 THE COURT: Sustained.
 6 BY MR. HIRSCHKOP:
 7 Q Look at the last paragraph, "I have over 35
 8 individuals lined up for the demonstration, but not
 9 included in the actual members of Putting People First who
 10 will be coming from Washington, D.C. I expect to," quote,
 11 "recruit," end quote, "additional demonstrators both from
 12 the Americas Cup as well the Navy to literally blow
 13 Ms. Lambert and her little band of demonstrators, including
 14 Cleveland Amory, out of the water."
 15 Did you ever pay anybody to demonstrate against
 16 the circus?
 17 A No, no.
 18 Q Did you become aware of whether or not Putting --
 19 Mr. Kendall was paying people to demonstrate against you?
 20 A Well, some of the demonstrators told us that they
 21 were being paid, they'd been recruited.
 22 Q Look at the next page at the top. "Due to the

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1 large amount of recruits, the cost factor will be rather
 2 large. But I it feel it's important to make a statement to
 3 Ms. Lambert and the press when the show first arrives in
 4 California."
 5 Did you ever have a chance to view statements
 6 that Mr. Kendall made to the press?
 7 A Well, if they were written up in articles in the
 8 newspaper, I read them, yes.
 9 Q Were you aware of whether or not he denied having
 10 anything to do with Ringling Circus?
 11 A Yes.
 12 Q Look at Exhibit 128, please. This is a July 8th,
 13 1991, report to Chuck Smith from Mr. Froemming. The fourth
 14 paragraph, "The operative is currently with
 15 Florence Lambert in her home." Do you see that, ma'am?
 16 A Uh-huh.
 17 Q Then two paragraphs down, "Ms. Lambert is busy
 18 trying to get as many people as possible out to protest
 19 against the show, but has had a few defectors to her cause
 20 in San Diego. The most prominent the Cleveland Amory, Fund
 21 for Animals, who has told Florence he decided not to come
 22 since Elephant Alliance is not with the fund."

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1 Is that true?

2 A No, not at all.

3 Q "And he doesn't want outsiders to associate him

4 on too regular basis with Florence Lambert."

5 Is that true?

6 A Never.

7 Q "Could be afraid of any of possible bad publicity

8 as Ms. Lambert is becoming more and more of a radical with

9 her cause solely pointed against the circus."

10 Did you consider what you were doing to be

11 radical?

12 A No.

13 Q Did you do anything that was radical?

14 A No.

15 THE COURT: Mr. Hirschkop, let me know when you

16 get to a breaking point.

17 MR. HIRSCHKOP: This is fine, Your Honor.

18 THE COURT: Members of jury, let's take the

19 morning break. If you will please follow the deputy.

20 (The jury left the courtroom.)

21 THE COURT: Let's take 15 minutes.

22 (Whereupon, a brief recess was taken.)

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1 MR. HIRSCHKOP: Your Honor, before the jury comes

2 in, under the circumstances of your ruling, we will not

3 call Doll Stanley as a witness in the case.

4 THE COURT: All right.

5 (The jury entered the courtroom.)

6 THE COURT: Members of jury, we'll continue with

7 direct examination of Ms. Lambert.

8 Mr. Hirschkop.

9 MR. HIRSCHKOP: Would you show Exhibit 971 to the

10 witness, please.

11 BY MR. HIRSCHKOP:

12 Q Do you see Exhibit 971, Ms. Lambert?

13 A Yes, yes.

14 Q If you would look at the last page of that

15 exhibit, please.

16 A All right.

17 Q When it says, "Speaking of the Juno incident,

18 Richmond," in the middle of the page --

19 A Yes.

20 Q -- "R. Froemming received a message from

21 Mary Reed. Would like to see me next time I'm wandering

22 around Tuesday, March 1. Stopped in to see her. Mary gets

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1 right to it point. Concern about Juno. When she visited

2 the blue unit with corporate, first thought, appearance was

3 awful. Knew that this was a beating. Stated that a lot of

4 people with her choose to ignore it, were embarrass. But

5 she was extremely upset and actually counted the puncture

6 wounds, 22, and wanted to know why. The bull hooks were so

7 sharp. Says that she sends out a lot of animal welfare

8 information but needed to know that we were addressing this

9 problem."

10 Were you aware, when you protested, these bull

11 hooks could make puncture wounds in elephants?

12 A Yes, it's part of what we saw.

13 Q Did you see any other outcome of these puncture

14 wounds on elephants?

15 A Well, the welts under the skin, like I had

16 mentioned before.

17 Q Did you ever see them try and conceal with it

18 with a gray paint?

19 A Yes.

20 Q How did you become aware they were doing that?

21 A One of the, I guess, keepers one time when I was

22 standing watching the elephants, told me about this stuff

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1 that they use. He just called it "stuff".

2 MR. HIRSCHKOP: Pardon me a moment, Your Honor.

3 BY MR. HIRSCHKOP:

4 Q Let's go back to the prior book that you were in.

5 A All right.

6 Q Look at 143, please.

7 A 143?

8 Q Yes, ma'am.

9 The second page, third paragraph up from the

10 signature of Richard Froemming, "I will also be having an

11 operative". Do you see that?

12 A Yes.

13 Q "Going to San Diego to spend a week with

14 Florence Lambert again prior to the Fresno demonstration."

15 You referred to a Fresno demonstrations before.

16 Was this a place you normally had demonstrations?

17 A No. We only did it once or twice.

18 Q Okay. And is this where you were hosed down by

19 Mr. --

20 A Yes --

21 Q -- Froemming?

22 A -- yes, yes.

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1 And the reason we went there is because the
 2 elephants would have been on that train for a couple days
 3 in the boxcars, and we knew it was going to be very hot up
 4 there, and so we wanted to see how he reacted when they
 5 arrived --
 6 **Q How did you get the schedule of the elephants?**
 7 A Well, Ringling put it out; they published it.
 8 And sometimes I guess it was on the computer, which I don't
 9 use; but people would find it for me and tell me.
 10 **Q Okay. "Again prior to the Fresno demonstration,**
 11 **we should be working on Elefest," E-I-e, fest.**
 12 **What is the Elefest?**
 13 A That was our first and, I guess, only fund-raiser
 14 and -- where we gave also a presentation to
 15 Senator McCorquodale for his work on behalf elephants
 16 so --.
 17 Oh, no. We did have another one; that's right.
 18 **Q Okay. Would you look at Exhibit 155, please.**
 19 A Uh-huh.
 20 **Q Do you have that, ma'am?**
 21 A Yes.
 22 **Q In the fifth paragraph down -- again, it's a**

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1 **report from Mr. Froemming to Chuck Smith.**
 2 A Uh-huh.
 3 **Q "The operative within PETA is spending the week**
 4 **with Lambert and will be going from San Diego up to Fresno**
 5 **with her on Thursday, August 15, '91."**
 6 **Did you have knowledge that there was an**
 7 **operative both -- the same operative within PETA and**
 8 **splitting time with you?**
 9 A No.
 10 **Q Did you have any knowledge that Catherine -- what**
 11 **was her name?**
 12 A Stevens.
 13 **Q -- Stevens was also acting as an operative within**
 14 **PETA?**
 15 A No.
 16 **Q Look at 186, please.**
 17 **THE WITNESS: Did she use it as a name with them?**
 18 **I'm just curious.**
 19 **MR. HIRSCHKOP: I'm sorry. I'm not allowed to**
 20 **answer questions.**
 21 **THE WITNESS: Oh, right.**
 22 **BY MR. HIRSCHKOP:**

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1 **Q Do you have that, ma'am?**
 2 A Yes.
 3 **Q Now, this is September of 1991. I'm going**
 4 **chronologically through the events.**
 5 A Okay.
 6 **Q It's a report, again, from Mr. Froemming**
 7 **Chuck Smith. And if you would look at the third page,**
 8 **please. Do you have that?**
 9 A All right.
 10 **Q Do you see the last paragraph, "Supposedly**
 11 **Carla"?**
 12 A Right.
 13 **Q "Carla, the elephant, had some sort of operation.**
 14 **And after same when had she was brought back to the other**
 15 **elephants, they reacted badly to her. Then Slavio and his**
 16 **group beat their elephants with sledgehammers," question**
 17 **mark.**
 18 **Did you become aware that at some point that**
 19 **Slavio and his group had beat the elephants with**
 20 **sledgehammers?**
 21 A Yes.
 22 I believe the word is "Flavio". That's the one I

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1 know.
 2 Yes, we were told about this.
 3 **Q Is that also one of the reasons you were out**
 4 **there demonstrating against the use of elephants --**
 5 **A Yes.**
 6 **Q -- by the Ringling Circus?**
 7 A Oh, yes.
 8 **Q Look at Exhibit 202, please.**
 9 A All right.
 10 **Q If you would, look at the top of the second page.**
 11 **This is a report, again, Mr. Smith of October 18, 1991.**
 12 A Uh-huh.
 13 **Q The second paragraph down, "In regards to the**
 14 **operative with Lambert's Elephant Alliance, she is now**
 15 **doing the books for Ms. Lambert and keeps track of all the**
 16 **donations coming in and then sends same off the**
 17 **Cleveland Amory, who has a separate account set up for The**
 18 **Elephant Alliance within his Fund For Animals."**
 19 **Did you have a separate account at the Fund for**
 20 **Animals?**
 21 A No. Probably there they're talking about the --
 22 I would imagine, the checks, the money from the auction

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<p>1 that we had at Elefest; and we sent that to Cleveland.</p> <p>2 But Cleveland -- to my knowledge, we didn't have</p> <p>3 an account. When he got the money, that's when he said, "I</p> <p>4 think you're growing; you need to start your own</p> <p>5 organization." So he kind of encouraged us to start</p> <p>6 Elephant Alliance.</p> <p>7 Q Was Catherine Stevens the one who was keeping</p> <p>8 your books there, as far as you know?</p> <p>9 A Probably she was the one, yes.</p> <p>10 Q Look down four paragraphs up from the bottom.</p> <p>11 "This has been arranged for by Ms. Lambert, and</p> <p>12 Senator McCorquodale will be the main speaker at Elefest on</p> <p>13 November 8th, 1991."</p> <p>14 Was he, indeed, your speaker at that time?</p> <p>15 A Yes, he was the speaker, uh-huh.</p> <p>16 Q Next paragraph, "In regards to the video</p> <p>17 Ms. Lambert has from the ex-employee of Ringling who is</p> <p>18 currently living in Texas, the operative has seen the tape</p> <p>19 in Lambert's house. However, neither she nor Ms. Lambert</p> <p>20 have looked at the two tapes that have been sent by this</p> <p>21 individual."</p> <p>22 Do you recall getting a tape from an individual</p>	<p>1 Q Look at 228, please.</p> <p>2 A All right. I have it.</p> <p>3 Q The first page, a December 1991 report to</p> <p>4 Chuck Smith from Mr. Froemming. The first page, the third</p> <p>5 paragraph down, "I expect to have the tape in my possession</p> <p>6 within the next few days. However, we can go through</p> <p>7 back channels to keep the tape away from Florence Lambert."</p> <p>8 Do you recall what was on this tape that they</p> <p>9 didn't want you to have it?</p> <p>10 A I think there were two things, one with horses</p> <p>11 and one with elephants.</p> <p>12 Q Did it show cruelty to animals?</p> <p>13 A Yes.</p> <p>14 Q Thank you.</p> <p>15 Look at 238, please, Exhibit 238.</p> <p>16 A Okay.</p> <p>17 Q The second paragraph down -- this is a December</p> <p>18 27, 1991, report. "Ms. Lambert has not received a</p> <p>19 favorable reaction from Senator McCorquodale regarding her</p> <p>20 information from Bob Kennedy."</p> <p>21 Do you remember, was Bob Kennedy the</p> <p>22 whistle-blower from Ringling who was sending you</p>
Page 1109	Page 1111
<p>1 in Texas who was an ex-Ringling employee?</p> <p>2 A Yes.</p> <p>3 Q Did you become aware that the operative tried to</p> <p>4 prevent that tape from getting to you?</p> <p>5 A No.</p> <p>6 Q Would you look at Exhibit 215, please.</p> <p>7 A All right.</p> <p>8 Q Do you have that, ma'am?</p> <p>9 A Yes, I do.</p> <p>10 Q If you look at the second page, please, the</p> <p>11 fourth paragraph down, "The operative in California has a</p> <p>12 nursing background, and I have instructed her to tell</p> <p>13 Lambert that ten days out of each month she has a job the</p> <p>14 San Francisco staying in an individual's home, providing</p> <p>15 nursing care."</p> <p>16 Is that the story that Catherine Stevens gave to</p> <p>17 you?</p> <p>18 A Yes.</p> <p>19 Q Is there any question in your mind now that the</p> <p>20 operative -- one of the operatives that they had in your</p> <p>21 organization was Catherine Stevens?</p> <p>22 A No question at all.</p>	<p>1 information?</p> <p>2 A He was one of them, yes.</p> <p>3 Q And did his information include cruelty and abuse</p> <p>4 of elephants?</p> <p>5 A Yes.</p> <p>6 Q Look at Exhibit 245, please.</p> <p>7 A All right.</p> <p>8 Q Fourth paragraph -- or the third paragraph down,</p> <p>9 "Florence Lambert just received a call from McCorquodale's</p> <p>10 office. It seems he is going to pull his backing away from</p> <p>11 the elephant bill."</p> <p>12 Did you learn from Senator McCorquodale he'd been</p> <p>13 threatened with a check taken from your residence?</p> <p>14 MR. PETROSINELLI: Objection --</p> <p>15 A No.</p> <p>16 MR. PETROSINELLI: -- Your Honor. First of all,</p> <p>17 it's leading. Second, she can't testify to something</p> <p>18 that's not in evidence at all.</p> <p>19 MR. HIRSCHKOP: Your Honor, I will tie it up.</p> <p>20 MR. PETROSINELLI: And it's leading.</p> <p>21 THE COURT: Sustained as to leading.</p> <p>22 MR. HIRSCHKOP: Yes, sir.</p>

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1 BY MR. HIRSCHKOP:
 2 Q Did you ever learn anything about a check
 3 taken from your residence being used against
 4 Senator McCorquodale?
 5 A No.
 6 Q The next paragraph, "My main operative is in
 7 Sacramento this date and will be carrying through our plans
 8 in presenting McCorquodale and all the members of his
 9 committee with all the items we discussed to make sure that
 10 McCorquodale understands exactly how much opposition he was
 11 really facing. This should also kept to control
 12 McCorquodale in the future."
 13 Did you realize that Feld was trying to do
 14 something like that?
 15 MR. PETROSINELLI: Objection, Your Honor. Same
 16 thing, leading. There is know no evidence of Mr. Feld was
 17 doing anything.
 18 MR. HIRSCHKOP: There's nothing leading about it.
 19 She realizes or she doesn't.
 20 THE COURT: Overruled.
 21 BY MR. HIRSCHKOP:
 22 Q Did you realize --

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1 A Okay. All right.
 2 Q Look at the second page. You see it says,
 3 "Dr. Mugford" (phonetic), up at the top there?
 4 A Yes. All right.
 5 Q Okay. About a third of the way down, "Also back
 6 to the first annual Elefest," dash, "Lambert," do you see
 7 that?
 8 A Yes.
 9 Q "Proceeds from same in a money market savings
 10 account, \$11,995, account 059511246 gaining interest. Copy
 11 of this account and other financial data with report."
 12 Prior to two months ago, did you have any
 13 knowledge that this kind of information was being sent from
 14 your home by people you took in, to Mr. Feld's operatives?
 15 A No, not at all.
 16 Q Did you give permission to any of them to send
 17 your private bank account information, your proceeds from
 18 an annual fund-raiser, anything like that to Mr. Feld or
 19 his operatives?
 20 A No.
 21 Q "Regarding Elephant Alliance, along with other
 22 groups, ongoing process of giving information to contact.

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1 A No.
 2 THE WITNESS: Can I say something?
 3 MR. HIRSCHKOP: No. I can only ask question.
 4 You have to ask the judge. I can't give you
 5 permission to do anything.
 6 THE WITNESS: May I say something --
 7 THE COURT: No, ma'am.
 8 THE WITNESS: -- about that check?
 9 THE COURT: No, ma'am.
 10 THE WITNESS: All right.
 11 BY MR. HIRSCHKOP:
 12 Q Look at Exhibit 247, please.
 13 A All right.
 14 Q If you would look to the last paragraph,
 15 "Donations to Elephant Alliance month of December, \$1214."
 16 Did you have any knowledge that these people you
 17 took in your home were sending your information about your
 18 donations to Mr. Feld's organization?
 19 A No.
 20 Q Look at 262, please.
 21 A Is that another book?
 22 Q Yes.

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1 FBI. Also as Lambert contacts other groups in the
 2 United States."
 3 Did you ever hear anything from the FBI during
 4 this time frame of 1989 to 1997?
 5 A No.
 6 Q Did you do anything that, in your knowledge,
 7 violated the federal laws of the United States of America?
 8 A No.
 9 Q Did you do anything that violated the banking
 10 laws of the United States of America?
 11 A No.
 12 Q If you would look at Exhibit 267, please.
 13 A All right.
 14 Q The second page, three paragraphs up from the
 15 bottom, "Ms. Lambert has received a new nationwide activist
 16 network list from the offices of PETA in Washington, D.C.
 17 provided to her by Peter Woods, who is the husband of
 18 Jenny Woods, the outreach supervisor within PETA,"
 19 regardless of the fact they weren't married --
 20 A No.
 21 Q No.
 22 A I didn't think they were.

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1 Q This nationwide activist report, is that the same
 2 thing I asked you about earlier, the list of contacts
 3 around the country?
 4 A Yes.
 5 Q From your view of that list, did you have any
 6 inkling that PETA controlled all of those people?
 7 A No.
 8 Q Look at Exhibit 276, please.
 9 A Okay.
 10 Q Do you have it?
 11 A Uh-huh, yes.
 12 Q This is a confidential Putting People First
 13 report, February 7, 1992. It says, "Lambert, Elephant
 14 Alliance." Do you see that?
 15 A Yes.
 16 Q "Great American Circus. Elephant shooting helps
 17 band together activists groups in U.S. Great. Just what
 18 we needed."
 19 What do you know about that?
 20 A They're probably talking about Janet Kelly who
 21 was shot, I think, about 80 times down in Florida. She
 22 tried to run away out of the arena, and she was shot. And

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1 I think that's probably what they're referring to.
 2 Q Is that an elephant you're speaking of?
 3 A Oh, yes. Excuse me. She was with Great American
 4 Circus.
 5 Q Were these type of reports also things that you
 6 took into account in demonstrating against the Ringling
 7 Circus?
 8 A Yes.
 9 Q Did you read a report where a handler got killed
 10 in the Ringling Circus at their training facility?
 11 MR. PETROSINELLI: Objection, Your Honor.
 12 THE COURT: Sustained.
 13 BY MR. HIRSCHKOP:
 14 Q It goes on to state right after what I read,
 15 "Just what we needed," "Lambert's statement. After
 16 incident Palm Bay, Florida, elephants do not belong in the
 17 circuses. Good example why."
 18 Did you say that?
 19 A Yes, I'm sure I did.
 20 Q Please look at Exhibit 279.
 21 A All right. I have it.
 22 Q Look at the bottom of the second page.

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1 A All right.
 2 Q "In short, now is the time to start attacking
 3 Lambert and cause her as many problems as possible."
 4 Ma'am, what did you do to cause this billion
 5 dollar corporation to attack you?
 6 A Well, all's we did was really try to get out the
 7 truth about what was happening to the animals and --
 8 Q Let me continue reading, "We have already
 9 contacted the FBI and also the IRS."
 10 Did you become aware they were giving that kind
 11 of information to the FBI and IRS?
 12 A No.
 13 Q Did you know what they might be telling them was
 14 truthful or not to the FBI or the IRS?
 15 A No.
 16 Q "The whole thing is complete. We have already
 17 contacted the FBI and also the IRS and have given them
 18 pertinent information to Ms. Lambert and her group."
 19 That's what it says, does it not?
 20 A Yes.
 21 Q The next page at the top, "We have press contacts
 22 in California. I think through our operative in Putting

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1 People First we should start to use them to attack Lambert
 2 with some rather pointed questions about her beliefs and
 3 support of same, along with questions about her group and
 4 its actual membership and background."
 5 Was there anything suspicious or desultory about
 6 your background that these people --
 7 A No.
 8 Q Okay. Look at Exhibit 433, please.
 9 A Is that another book?
 10 Q Yes.
 11 A Oh. All right.
 12 Q The second page of that document, this is an
 13 August 3rd, 1992, report from Richlin Consultants to
 14 Mr. Bloom from Mr. Froemming. The second page, No. 1, see
 15 the fourth paragraph down?
 16 A Yes.
 17 Q "Elephants chained 95 percent of the time with
 18 the exception of going to and from the area" -- "arena to
 19 perform."
 20 Was that what you were telling people?
 21 A Yes.
 22 Q Was that, to your best information, true?

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1 A Yes, it was true.

2 It was probably more than 95, but we didn't want

3 to be overly incorrect in any way because just walking the

4 trip from the arena is a short time within a 24 hour day.

5 Q What's wrong chaining elephants 95 percent of the

6 time?

7 MR. PETROSINELLI: Objection, Your Honor.

8 MR. HIRSCHKOP: I'll withdraw.

9 BY MR. HIRSCHKOP:

10 Q What bothered you about chaining elephants 95

11 percent of the time that you thought you had to do these

12 demonstrations?

13 A Elephants, of course, you know, weigh tons. For

14 that amount of weight to be chained and not move, I mean

15 their bodies can't function. It's hard on their feet,

16 their joints, their internal system.

17 And it also makes them psychotic because by

18 nature they have to move, they have to forage for food at

19 least 16 to 18 hours a day in order to keep the -- the

20 engine going inside. And they're only fed maybe twice a

21 day at the most, and they're only given water once,

22 possibly twice, if they're lucky.

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1 So all of this is wrong.

2 If a dog was chained like that --

3 MR. PETROSINELLI: I object, Your Honor.

4 THE COURT: Sustained.

5 BY MR. HIRSCHKOP:

6 Q Look at the next paragraph. "We have been

7 answering these allegations by stating that the elephants

8 are not chained all the time. But, yes, they have to be

9 chained to prevent them from the wandering off. But the

10 chains do not impede movement."

11 Did you frequently see the elephants when they

12 were chained?

13 A Yes.

14 Q Did it impede their movement?

15 A Yes.

16 Q Were these long chains where the elephants could

17 wander 50 to 100 feet --

18 A No, they were short chains and they usually

19 couldn't even lie down.

20 Q Two paragraphs, "Under any other suggestions as

21 to how we can respond summoned to these allegation, as well

22 as an additional question which has been brought up;

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1 namely, are the elephants chained in the boxcars?"

2 A Yes, they are.

3 Q Look at Exhibit 434, please.

4 A All right.

5 Q This is an August 10th, 1992, report from

6 Froemming to Mr. Bloom. The third -- second paragraph

7 down, "We have just finished the demonstration in

8 Los Angeles which has been countered by Florence Lambert,

9 Elephant Alliance," do you see that?

10 A Yes.

11 Q "Chris DeRose" (phonetic).

12 Do you know Mr. DeRose?

13 A Yes.

14 Q Last Chance for Animals, are you familiar with

15 that group?

16 A Yes, he's -- it's his group, uh-huh.

17 Q To your knowledge, is that a terrorist group?

18 A No.

19 Q What did they do, Last Chance for Animals?

20 A They do a lot of work with dogs being kept in

21 terrible conditions and breeding programs, that sort of

22 thing.

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1 Q Okay. Reading on, "Last Chance for Animals and

2 members of the ALF. Demonstration got confrontational with

3 the ALF."

4 Did you ever go to a demonstration in Los Angeles

5 in which the ALF participated against the Ringling Circus?

6 A No, no.

7 Q Did you ever have any contact from 1990 to

8 anytime in the '90s with the ALF about Ringling Bros. or

9 their circus?

10 A No.

11 Q Is that statement true in there?

12 A That they were there?

13 Q Yes.

14 A To my knowledge, it's not true at all.

15 Q Look at the bottom paragraph. "We will also take

16 quotes from the videotape and plan to revisit" -- "revisit

17 the press in Los Angeles this week with same and discuss

18 the coverage that they have been giving to the activists.

19 "Perhaps the real story is not claims of abuse by

20 the activists against the circus, but perhaps the real

21 story the press should start concentrating on is: Animal

22 rights groups, activists or terrorists?"

Page 1124	Page 1126
<p>1 The animal rights groups in California that were 2 demonstrating against the circus in 1989 through 1998, were 3 they activists or terrorists? 4 A They were activists. 5 Q Did you ever see any terrorist activity by IDA, 6 The Elephant Alliance, PAWS, or any of the groups -- 7 A No. 8 Q -- demonstrating in California during this 9 period? 10 A No. 11 Q Look at Document No. 850. Do you see that, 12 ma'am? 13 A Yes, I do. 14 Q This is a confidential animal activists 15 activities with related material to same report from 16 Mr. Froemming of November 11, 1993. 17 Now we stand roughly a three-year period in these 18 document so far. Was your group demonstrating during this 19 three-year period against animals in the Ringling Circus? 20 A Yes, and other circuses. 21 Q It says after the date, "Florence Lambert, 22 Elephant Alliance" -- I'm dealing with the printing on</p>	<p>1 Ringling people always try to stop you from taking pictures 2 of those animals? 3 A Yes. 4 Q And what was there in the animals that you 5 couldn't photograph? 6 A Well, the wounds, the hook boils, the distress 7 that they showed, the pacing, the rocking. 8 Q Look at the second page, please. "Some other 9 items of interest about Lambert. Is currently working on 10 her own elephant bill," do you see that? 11 A Yes. 12 Q Then skip down. "Stated the following are her 13 key points." Do you see that, ma'am? 14 A Uh-huh. 15 Q "Does not want elephants on chains." 16 We've discussed that? 17 A Right. 18 Q Number two, "Elephant rides. Does not want 19 elephants used for rides." 20 Was that your position? 21 A Yes. 22 Q Why did you have such a position?</p>
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<p>1 this page only. 2 Do you see that? 3 A Yes. 4 Q "Take a peek at the current Animal Voice article 5 by Lambert. In Chains They Live, and In Chains They Die." 6 Did you write such an article? 7 A Yes, I did. 8 Q And aside from demonstrating and writing 9 articles, did you do other things to try to educate the 10 public about the plight of elephants in the circus? 11 A No. Distribute literature. 12 Q It says, "Pretty powerful statements that she 13 makes reference Ringling. Remember San Diego" -- this is 14 under a dotted line -- "July. R. Froemming on site all 15 week. Had Lambert removed from immediate train loading 16 area plus made sure that Lambert did not obtain any video 17 photo." 18 Is the time he assaulted you? 19 A No. This sounds like it was at the train 20 unloading and they had the policeman tell to us stand 21 behind the fence. 22 Q Did they always try to -- did Mr. Froemming or</p>	<p>1 A Because in order for an elephant to give a ride, 2 the elephant has to go through a great deal of beating and 3 control. It doesn't look bad when a child is on the 4 elephant's back. But there's a great video that National 5 Geographic has -- 6 MR. PETROSINELLI: Objection -- 7 A -- that shows the elephants -- 8 MR. PETROSINELLI: -- Your Honor, I object to 9 this. 10 THE COURT: Sustained. 11 MR. HIRSCHKOP: Your Honor, it's what's in her 12 mind. 13 But I'll move on. 14 BY MR. HIRSCHKOP: 15 Q It says, point No. 3, "No elephant should have to 16 live alone." 17 Why did you feel that was necessary? 18 A Because elephants are herd animals, they live in 19 groups, they never live alone. 20 Q Number 4, "Elephants should have a pool or a lake 21 to bathe in." 22 Why is that necessary?</p>

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1 A Because elephants are very clean animals. They
 2 bathe daily whenever possible. They take mud bathes. They
 3 like to immerse themselves this water. They're great
 4 swimmers. They -- it's been documented that they have gone
 5 from island to island over in Asia and have gone the length
 6 of 12 miles without stopping.

7 MR. PETROSINELLI: Your Honor, could I approach,
 8 please.

9 THE COURT: Counsel approach.
 10 (The following proceedings were held at the
 11 bench:)

12 MR. PETROSINELLI: Your Honor, this is exactly
 13 the problem I was talking about. She is talking as an
 14 expert witnesses. It's not her state of mind.

15 THE COURT: She's testifying as an expert.

16 MR. HIRSCHKOP: She's testifying about what her
 17 understanding is. They were -- they have said all these
 18 horrible things, she was nuts and screwy. She's saying
 19 what she --

20 THE COURT: She can keep it in the context of why
 21 they did the demonstrations but not with regard to the
 22 animals, that she is somehow an expert.

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1 MR. HIRSCHKOP: All right.
 2 (The following proceedings were held in open
 3 court:)

4 BY MR. HIRSCHKOP:

5 Q Ms. Lambert, this information you were just
 6 giving, are these things you read and you found out and you
 7 believed to be correct about length they swim and all?

8 A Yes, yes.

9 Q Thank you.

10 Now, it says next right under No. 4, "Reference
 11 her video. Captive animal abuse. Stated that when the
 12 circus was in San Diego with Flavio" -- is Flavio is guy
 13 you were talking about before?

14 A Yes.

15 Q That's his correct name, not Slavio?

16 A Yes.

17 Q "She told the gatekeeper she was there to meet
 18 Flavio in broken Spanish which sounds like Italian."
 19 Did you do such a thing as that?

20 A I think I asked him if I could see Flavio.

21 Q "So they let her in with her video camera.
 22 Reference the photographs in her press and informational

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1 material."
 2 Regardless of how you got in, the videos you
 3 took, are they true and accurate what you saw on the
 4 Ringling Bros. premises?

5 A Yes.

6 Q "Stated she took the photographs inside Ringling
 7 train when the two keepers were drunk."
 8 Is that true?

9 A I think there was only one keeper.

10 Q Was he drunk?

11 A Yes.

12 Q And there was a keeper watching the elephants,
 13 while he was drunk?

14 A Well, he was on one side of the train; and he had
 15 a little TV he was looking at and kind of drinking.

16 Q Look at the next page, please. In the middle of
 17 the page, "Nationally," do you see that, ma'am?

18 A Yes.

19 Q "Lambert has a direct tie to PETA."
 20 Do you have any direct ties to PETA?

21 A No.

22 Q "Note that PETA copies her coloring book."

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1 I asked you about that. You gave permission to
 2 PETA and other groups to use your coloring book; is that
 3 right?

4 A Right.

5 Q "Also through PETA individuals who contact them
 6 reference elephants are directed to Florence Lambert," do
 7 you see that?

8 A Yes.

9 Q "As she is perceived to be the elephant expert
 10 for activists as to alleged abuse," do you see that?

11 A Yes.

12 Q Did numerous organizations refer people to you
 13 with about questions elephants?

14 A Yes, a few would, uh-huh.

15 Q Look at Exhibit 883, please.

16 A All right.

17 Q Second page, "Florence Lambert, Elephant
 18 Alliance," do you see that at the top?

19 A 883-A, second page?

20 Q No. 883. You've got the wrong exhibit. I'm
 21 sorry.

22 A The one before it? Yes. I'm sorry. I've got

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1 it. I have it, yes.

2 Q "Now networking with some pretty radical
3 activists."

4 Did you ever do anything in demonstrating for
5 these elephants that was radical?

6 A Not that I know of.

7 Q Did anyone that you network with do anything
8 radical with regard to elephants or Ringling that you know
9 of?

10 A No.

11 Q "Has expanded her area of concern beyond
12 elephants. Has contacted operative, Go APE. Reference
13 plans for demonstrations in San Diego."

14 Did you become aware that Julie Lewis had founded
15 her own group at some point, Go APE?

16 A The last time she telephoned me and said she
17 probably would not be coming down, she decided to start her
18 own organization, A-P-E, and work on her own. And that was
19 all I know. I don't know really what they did or anything
20 about it.

21 Q Did she tell that you her funding came from
22 Mr. Feld?

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1 A No.

2 Q Look at the bottom of that page, "Operative has
3 been invited by Lambert, spend the night at her residence."
4 Were you still inviting Julie Lewis down to your
5 house now in December of 1993?

6 A Apparently, yes.

7 Q So this woman had been staying with you for over
8 two year. During that two-year period, did she ever
9 disclose her true role or the fact --

10 A No.

11 Q -- that she was being paid by Richard Froemming?

12 A No.

13 Q Look at Exhibit No. 892-1.
14 Actually, that's just a repeat. I'll skip that.

15 A All right.

16 Q Look at 933, please.

17 A All right.

18 Q Do you have that?

19 A Yes, I do.

20 Q Look at the second page. "Florence Lambert,
21 Elephant Alliance," do you see that?

22 A Yes.

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1 Q This is a confidential animal activists
2 activities with related materials for the same report of
3 Mr. Froemming of January 21, 1993. And the top of the
4 second page, "Operative reports that Lambert is furious
5 that both Romeo and Juliet are traveling probably without
6 the adult female elephant mother."

7 What was that about?

8 A Well, when we heard that they put Romeo and
9 Juliet on the road and they were still babies, it was -- I
10 was upset because they should be with their mothers and
11 they shouldn't be traveling like that, chained.

12 Q Look farther down just above the dotted line in
13 the middle. "Also have developed that Lambert currently
14 getting information," do you see that?

15 A Uh-huh.

16 Q "From Kathleen Coleman, Palm Bay, Florida, and
17 Joe Roberts at the Dolphin Alliance in Melbourne," do you
18 see that.

19 A Yes.

20 Q Were you getting information from these people?

21 A Kathleen --. The name kind of rings a bell. I
22 heard from several people, so I'd have to look through my

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1 records. Palm Bay, Florida.

2 Q In order to maintain accuracy in your reports,
3 did you try to get as much information around the
4 United States as you could?

5 A Yes.

6 Q Look at Exhibit 1047, please.

7 A All right.

8 Q Look at the second page, please.

9 A All right.

10 This is a July 5, 1994, memo, from
11 Andy Ireland -- from Richard Froemming to Andy Ireland. On
12 the second page at the top, "Lambert is special events
13 chairman, keynote speaker at upcoming PETA National
14 Alliance for Animals annual conference being held at Dulles
15 Marriott July 8-10. Andy Ireland has agreed to meet with
16 her in response to her letter requesting a meeting with
17 Kenneth Feld."

18 In of the earlier documents there was a request
19 to meet Kenneth Feld. Was this the second request to
20 meet --

21 A Yes.

22 Q -- with Kenneth Feld.

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1 In the prior request, did anyone meet with you
 2 that prior time?
 3 A No.
 4 Q Was this the meeting you testified to earlier
 5 where you offered to show him video, and he refused to --
 6 A Right --
 7 Q -- see it?
 8 A -- yes.
 9 Q Okay. Thank you.
 10 Turn to 1053, please.
 11 A All right.
 12 Q It's a July 25, 1994, confidential animal
 13 activist activities with related material to same report.
 14 And if you would turn to the second page, please.
 15 A All right.
 16 Q "Items covered, San Diego," do you see that?
 17 A Uh-huh.
 18 Q "Blue unit animal walk opening night. Animal
 19 walk major. Major positive coverage on TV featuring circus
 20 kids. Lambert nothing but trouble from her animal walk
 21 7/12 through closing 7/17."
 22 What kind of trouble did you provide on an animal

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1 walk?
 2 A Probably just taking video of the conditions that
 3 were bad.
 4 Q If you would, ma'am, please look at -- I'll have
 5 to go by the numbers. There's a lower -- right across see
 6 a PETA number with a 4,000 number after it in the lower
 7 corner of these documents?
 8 A Yes.
 9 Q If you would turn, please, to PETA 4107.
 10 A 4107. All right.
 11 Q That is your meeting with Andy Ireland, is it
 12 not?
 13 A Yes, uh-huh.
 14 Q Turn to 4108, please.
 15 A All right.
 16 Q "San Diego animal walk. Large crowd shows up for
 17 the unloading with no activist. There are no signs of
 18 Florence Lambert. Seems she isn't going to make it to our
 19 unloading. And the stanchions and portion (phonetic) tape
 20 keep the people back while still affording them a view of
 21 the animals."
 22 Do you see the picture down there?

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1 A Yes. It's not very clear.
 2 Q It's clearly more than a handful of people, isn't
 3 there?
 4 A Uh-huh.
 5 Q Look at the next page, please.
 6 A Uh-huh.
 7 Q Do you see the picture in the middle?
 8 A Right.
 9 Q And if you would look underneath that three lines
 10 up from the -- or four lines up from the bottom, "Videotape
 11 of the arena entrance. Scott Smith stops her, tells her
 12 does not want her on the property; it's private, and she is
 13 trespassing."
 14 Do you remember talking to Scott Smith at some
 15 point?
 16 A Yes. I didn't remember his name, but I assume
 17 that was Scott Smith.
 18 Q At that time were you -- do you recall you were
 19 videotaping?
 20 A Yes.
 21 Q Did you do anything the rest of the public
 22 couldn't do in terms of walking in any particular place?

Page 1139

1 A No.
 2 Q Look at page 4112.
 3 A All right.
 4 Q Like, two paragraphs up from the bottom, eight
 5 lines up, "Also her comments," do you see that?
 6 A Uh-huh.
 7 Q "About meeting with Ringling vice president,
 8 Andy Ireland. Stated he does than know about elephant and
 9 the care the animals could get. And she made her position
 10 clear to Ringling about their elephants."
 11 Did you find out that Andy Ireland was an ex-vice
 12 president?
 13 A Yes.
 14 Q Did you -- from your discussion with him, did he
 15 appear to know anything about the care or treatment of
 16 elephants?
 17 A No.
 18 You said, "ex-vice president".
 19 Q I meant ex-Congressman.
 20 A Yes, I had heard that.
 21 Q I'm sorry.
 22 Look at 4116.

Page 1140

1 A Okay.

2 Q If you would just read quickly to yourself what's

3 at the top of the page.

4 Is that the incident where Mr. Froemming

5 assaulted you?

6 A Yes.

7 Q This was July 17 -- well, July 25, 1994, is the

8 report. Do you see that?

9 A Right.

10 Q At the top it says, "San Diego load out July 17"?

11 A Yes.

12 Q Does the report concede that he got your

13 attention by reaching around and touching your camera?

14 MR. PETROSINELLI: Object to the form of the

15 question about the conceding.

16 MR. HIRSCHKOP: I'll withdraw it. It speaks for

17 itself. Thank you.

18 BY MR. HIRSCHKOP:

19 Q Would you look at the next document, which is

20 1121, please.

21 A All right.

22 Q Now, this is December 15, 1994. By this time how

Page 1141

1 had your organization grown or progressed?

2 A Well, we'd become known just because people had

3 heard about us. And we had expanded in that our board had

4 developed. Jane Goodall is on our board, Doris Day is on

5 our board; so we became certainly well-recognized.

6 Q If you would, in this report of the December 15,

7 1994, look at PETA 4147.

8 A All right. Uh-huh.

9 Q You see down at the very bottom it says, "Plus

10 Lambert's news release about cocaine, alcohol found in the

11 body of the elephant trainer, Alan Campbell. You can bet

12 we're going to see the same material this year in

13 California."

14 Who was the elephant trainer, Alan Campbell?

15 A He was the trainer who was known for brutally

16 training his animals and --

17 Q So we're clear --

18 A -- he -- he was a trainer of Tyke, an elephant

19 that tried to run away from the circus in Hawaii. And

20 he -- and Tyke stomped on Campbell and ran out of the arena

21 in the street and was shot 87 times.

22 Q Was Tyke a Ringling elephant, had anything to do

Page 1142

1 with Ringling?

2 A No. She was not a Ringling.

3 Q But was this -- things that happened to elephants

4 in other circuses part of what prompted you to demonstrate

5 against all circuses with elephants?

6 A Yes.

7 Q Look at 1145, please, Exhibit 1145.

8 A Is that another book?

9 Q Do you have that book, ma'am?

10 A Yes, I do.

11 Q Look at the next to the last page of that

12 document.

13 A All right.

14 Q "California, Lambert" -- this is a document of

15 May 1, 1995. "California, Lambert. As you are aware,

16 Lambert has put together piece showing 65 violations found

17 by the USDA against Ringling. Is busy contacting

18 newspapers with a press release, trying to gain support.

19 She put this together for her letter to The Post."

20 Did you put together a piece showing 65

21 violations found by the United States Department of

22 Agricultural against Ringling?

Page 1143

1 A Yes, one for 65 and one for 83.

2 Q Where did you get copies of these violations?

3 A Through FOIA, Freedom of Information Act.

4 Q Was the document that you circulated to the press

5 correct about the violations?

6 A Yes.

7 Q Were these violations consistent with the

8 complaints you had been getting from people from Ringling

9 who had called you, ex-employees, over the period of years?

10 A Yes, and more.

11 Q Look at Exhibit 1265, please.

12 A All right.

13 Q If you would look at the third page, please.

14 A Uh-huh.

15 Q See the bottom of that page, "The Los Angeles

16 blue unit"?

17 A Yes.

18 Q Now, I've asked about units. Were there two

19 units, a red unit and a blue unit, with Ringling?

20 A Yes.

21 Q What were they, so the jury is very clear?

22 A They divided -- the red unit would travel one

Page 1144

1 area one year and then another area the second year. The
 2 blue unit would do the reverse. That way they could train
 3 the animals once for a full year -- or two years, and that
 4 way they could get mileage out of them.

5 **Q From your viewing of the red and blue units,**
 6 **they're the same circuses, just different personnel --**

7 **A Yes, different personnel, different animals, of**
 8 **course.**

9 **Q Look at the bottom of the third page,**
 10 **"Los Angeles blue unit. This will be the big one. Next to**
 11 **the media attention given to F. Lambert with large**
 12 **demonstration planned by LCFA, Last Chance for Animals,**
 13 **Chris DeRose. Remember DeRose has gone to jail prior and**
 14 **is a member ALF."**

15 **Do you have any knowledge about Mr. DeRose going**
 16 **to fail for being a member of ALF?**

17 **A No. I knew he went to jail, but I didn't know**
 18 **what it was for.**

19 **Q Do you know it was he's a member of ALF or if**
 20 **that were remotely true?**

21 **A No.**

22 **Q Did you ever see Mr. DeRose involved in any**

Page 1145

1 **misconduct at any demonstration involving Ringling**
 2 **Bros.-Barnum & Bailey Circus between 1989 and 1998?**

3 **A No.**

4 **THE COURT: Mr. Hirschkop, how much more direct**
 5 **do you have?**

6 **MR. HIRSCHKOP: Just this one document, one or**
 7 **two more questions.**

8 **THE COURT: All right.**

9 **MR. HIRSCHKOP: Thank you, sir.**

10 **BY MR. HIRSCHKOP:**

11 **Q "Fresno, blue unit," do you see that?**

12 **A Yes.**

13 **Q "Look for some activity by Lambert again. This**
 14 **is where she got into boxcars while elephants were still**
 15 **inside and got still photos and also video footage of**
 16 **elephants on chains in the boxcars."**

17 **A Yes.**

18 **Q Do you see that?**

19 **A Yes.**

20 **Q Did you ever go in their boxcars?**

21 **A Not inside, no.**

22 **Q Did you take videos and saw the elephants chained**

Page 1146

1 **up in boxcars, so the testimony is from your own personal**
 2 **knowledge?**

3 **A Yes.**

4 **MR. HIRSCHKOP: Thank you, your Honor. Nothing**
 5 **further.**

6 **THE COURT: Members of jury, it's a little past**
 7 **1:00. We'll take the lunch break. Be back at five after**
 8 **2:0.**

9 **. Deputy McCracken will tell you when and where**
 10 **to meet him accomplish that. Please leave your notes in**
 11 **the jury room, and please don't talk to anybody about the**
 12 **case.**

13 **We'll see you at five past 2:00.**
 14 **(The jury left the courtroom.)**

15 **THE COURT: Five past 2:00.**

16 **MR. PETROSINELLI: Your Honor, could I ask the**
 17 **witness be reminded -- I know she's not a lawyer -- that**
 18 **she's not to talk to anyone while on the lunch break?**

19 **THE COURT: Ma'am, please don't talk to any**
 20 **lawyers during lunch.**

21 **MR. HIRSCHKOP: Your Honor, I assume we can talk**
 22 **but not about the case.**

Page 1147

1 **THE COURT: Right. Talk about the weather; okay?**
 2 **Just don't talk about the case. As long as the**
 3 **conversation's about the weather.**

4 **///**

5 **///**

6 **///**

7 **///**

8 **///**

9 **///**

10 **///**

11 **///**

12 **///**

13 **///**

14 **///**

15 **///**

16 **///**

17 **///**

18 **///**

19 **///**

20 **///**

21 **///**

22 **///**

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1 AFTERNOON SESSION (2:14 p.m.)
 2 MR. HIRSCHKOP: Before the jury gets here, we
 3 would submit another book of documents. These upgrade
 4 all the legal bills through last week. So shall I
 5 just give it to your clerk?
 6 THE COURT: That would be fine. Ready to go?
 7 (The jury returned to the courtroom.)
 8 THE COURT: All right, members of the jury.
 9 We will proceed with cross-examination of Ms. Lambert.
 10 Mr. Petrosinelli?
 11 MR. PETROSINELLI: Thank you, Your Honor.
 12 Good afternoon.
 13 THE JURY: Good afternoon.
 14 Whereupon,
 15 FLORENCE LAMBERT,
 16 resumed the witness stand, and having been previously
 17 sworn, was further examined and testified as follows:
 18 CROSS-EXAMINATION
 19 BY MR. PETROSINELLI:
 20 Q Ms. Lambert, good afternoon.
 21 A Good afternoon.
 22 Q I have a few questions for you. Hopefully, I

Page 1150

1 you were trespassing and asked you to leave?
 2 A No, not the owner, because the city owns the
 3 property, but a manager came out.
 4 Q He asked you to leave because you were
 5 trespassing?
 6 A He said I should leave.
 7 Q And you refused to do that?
 8 A Yes.
 9 Q Mr. Froemming asked you to leave?
 10 A Yes, he did.
 11 Q And he told you he thought you were
 12 trespassing?
 13 A Yes. I paid my \$5 to park there.
 14 Q And you refused to do that?
 15 A Yes.
 16 Q You say Mr. Froemming touched you. Isn't it
 17 true, ma'am, that he touched your camera?
 18 A Well, he tried to grab the camera, and he did
 19 touch that, but he pushed me on my shoulder.
 20 Q I think you said that you called the police?
 21 A Yes.
 22 Q Isn't it true, ma'am, that when the police

Page 1149

1 won't be as long as Mr. Hirschkop was, but I do have a
 2 few questions. Okay?
 3 A Okay.
 4 Q The first thing I wanted to ask you about is
 5 the allegation that Mr. Froemming assaulted you. Do
 6 you remember making that allegation?
 7 A Yes.
 8 Q This incident with Mr. Froemming, am I
 9 correct that occurred in San Diego?
 10 A Yes.
 11 Q It was at a tent near the San Diego arena; is
 12 that right?
 13 A It was on the sports arena property in the
 14 fence by the back.
 15 Q Ma'am, am I correct that you had this
 16 confrontation with Mr. Froemming because you were
 17 trespassing on private property?
 18 A No. It's public property, actually, and the
 19 public was there. I was just standing by taking
 20 video -- or pictures.
 21 Q Isn't it true, ma'am, that the promoter, the
 22 owner of the San Diego arena, came out and told you

Page 1151

1 came, they told you you were trespassing and asked to
 2 you leave?
 3 A After a while, they did. After they
 4 talked -- well, of course, when they first came, they
 5 spoke with all the Ringling people and the arena
 6 people before they came to get my story.
 7 Q And then after they spoke to you, they told
 8 you you were trespassing and asked you to leave?
 9 A No, they didn't say I was trespassing. They
 10 said that I should not be on the property; if they
 11 asked me to leave, I should leave. And so I said,
 12 well, I'll have to take my car off the property, too.
 13 Q Isn't it true that you asked the police to
 14 press charges against Mr. Froemming, and they told you
 15 they would not do that?
 16 A They only -- no. They said go ahead and file
 17 a complaint. It took a long time because they spent
 18 most of the time talking to the Ringling people. But
 19 finally they said all right, go ahead and file a
 20 complaint, which I did. And then apparently they
 21 decided not to. The detective who spoke with
 22 Froemming, I guess, was a hunter. And he said that he

Page 1152

1 agreed with him that, you know, we were --

2 **Q Trespassing.**

3 A No, not trespassing. That we were -- that we

4 were terrorists or activists or something.

5 **Q That's what the police officer said?**

6 A No, the detective.

7 **Q The detective said?**

8 A Yes. He and apparently Froemming became

9 buddies, and so they dropped it.

10 **Q I see. Let me ask you, Mr. Hirschkop showed**

11 **you Plaintiff's Exhibit 1053. Can I ask you to look**

12 **at that again?**

13 A Okay.

14 **Q I want to focus your attention particularly,**

15 **ma'am, you see the little numbers on the bottom of the**

16 **page. The page that starts with PETA 4109?**

17 A Yes.

18 **Q 4099? I'm sorry. 4109.**

19 A At the bottom of the page?

20 **Q Yes. And towards the bottom.**

21 A Yeah. Mine says 4099. But maybe I'm missing

22 something.

Page 1153

1 **Q No, no. Go forward to page 4109.**

2 A Oh. All right. I have it now.

3 **Q This is a memo that Mr. Hirschkop showed you**

4 **on direct examination, although he didn't have you**

5 **read any of it. I'd like to read some of it with you.**

6 **Okay?**

7 A All right. Sure.

8 **Q Towards the bottom, it says, does it not,**

9 **"Lambert spotted along the walk in her car.**

10 **Videotaping. Then drives ahead of us, parks and walks**

11 **the last couple of blocks with the unit. Stays on**

12 **sidewalk. Videotape at the arena entrance. Scott**

13 **Smith stops her, tells her does not want her on the**

14 **property. It's private and she is trespassing.**

15 **Lambert ignores him and walks onto the lot."**

16 **Do you see that?**

17 A Yes.

18 **Q Is that what happened, ma'am?**

19 A I assume it did, but it's not private

20 property. I checked into that with attorneys.

21 **Q Can we go to the next page, please? Do you**

22 **see at the top it says, "Promoter - Scott Smith again**

Page 1154

1 tells Lambert to leave and then gets the head of

2 security who escorts her away from the animal compound

3 fence over to the barricades and then tells her she's

4 trespassing and that she is to leave. Nope. Lambert

5 runs to a TV cameraman. Tries to get him involved.

6 Won't have anything to do with it. But avoid any

7 scene with the press we let Lambert stay on the lot."

8 **That's what happened, is it not, ma'am?**

9 A They allowed me to stay on the lot. I

10 remember that. And they had one of the -- I don't

11 know what you call them -- security people, big

12 fellow. And he would open up his shirt and put it in

13 front of me so that I couldn't see anything.

14 **Q Did you run to a TV cameraman and try to get**

15 **them involved?**

16 A I don't remember that. But if it says so,

17 probably I did, I guess.

18 **Q In the next paragraph, just a little ways**

19 **down, it says, "Near Johnny Peers' dogs and is**

20 **observed going to a pay phone. Makes a call, right,**

21 **45 minutes later humane society officer shows up.**

22 **States received a call from a female who heard**

Page 1155

1 'horrific' sounds coming from one of the dog trailers.

2 ~~Turned over to Mike Meissen who gives inspector a~~

3 ~~tour. No problems."~~

4 **Ma'am, when you were there, is it true you**

5 **made a report to the humane society in order to get**

6 **them to have their inspectors run out?**

7 A I called them because the dogs were in

8 distress.

9 **Q You called and said you heard horrific sounds**

10 **calling from the dog trailer?**

11 A Yes.

12 **Q Did they come and tell you that in fact they**

13 **found no problems?**

14 A They didn't tell me anything. They did come.

15 **Q Let me ask you this. Go to page 4116,**

16 **please, which is a few pages in.**

17 A Um-hum.

18 **Q Starting at the top there. It says,**

19 **"Froemming approaches the activists. Tells them to**

20 **leave. They are on private property. Lambert walks**

21 **away. Gets to other side of wagon, direct shot into**

22 **tent and babies. Other activists still videotaping**

Page 1156	Page 1158
<p>1 and won't listen. It starts to get verbal. Froemming 2 has two choices. None good. Either physically 3 restrain Lambert (Nope) or try to verbally intimidate 4 her and her group to get them to back away from the 5 fence. It takes about five minutes. Finally get them 6 away from fence and moving towards back barricades by 7 back gate. To do so Froemming gets Lambert's 8 attention by reaching around and touching her camera. 9 Wow. Starts screaming assault and her friend joins 10 in. I'm a witness. Big deal." 11 Isn't that what happened, ma'am? 12 A Well, no. He tried to grab my camera, and he 13 pushed me on the shoulder. 14 Q You see after that it says, "Froemming gets 15 them out but Lambert still won't leave the lot. Scott 16 Smith comes up. Also tells her to leave. She's 17 trespassing. Nope won't leave. Wants to call the 18 cops. She does. They come. Wants Froemming 19 arrested. Assault and battery. Cops. No. Was 20 acting completely within his legal rights on private 21 property. Security. Safety issue. Well, Lambert 22 still won't leave. Cops talk to her for 1 hour and 45</p>	<p>1 forget it, but tell her if she wants she can file a 2 civilian complaint, and she does. And you did do 3 that, did you not, ma'am? 4 A I asked them what I could do about it, and 5 they said, well, you could file assault and battery 6 charges. I said yes, I would like to do that. 7 Q In the next paragraph, do you see it says, 8 "After same, Detective states he finds no merit in 9 Lambert's complaint. That Froemming acted completely 10 within his legal rights and in fact could have gone 11 farther, restrained her or even pushed her back away 12 from fence when she refused to move away. Paren., No 13 thanks, closed paren." Do you see that? 14 A I see that, yes. 15 Q Then it says -- "Then detective confides in 16 Froemming. States used to sit on the California Fish 17 and Wildlife Board for 12 years, is an avid hunter. 18 Knows Florence Lambert and considers her to be 19 absolutely nuts. Footnote: You can bet that this is 20 not the last time we are going to see from her. She 21 is bound and determined to get next to the baby 22 elephants and she has a way in getting others to try</p>
Page 1157	Page 1159
<p>1 minutes. Finally get her off the property. Tell her 2 for last time if they want you off, it's private 3 property, you're gone." 4 Isn't that what happened? 5 A Similar. Not exactly. There were probably 6 about 50 other people around me. Private citizens 7 videotaping and taking photos also. And it took 1 8 hour and 45 minutes simply because they were talking 9 with the Ringling people most of the time and then 10 they finally took my report. 11 Q And the detective took your report? 12 A No, the police. 13 Q And the detective came as well at some point? 14 A No. He only spoke with Froemming. He never 15 did come to talk to me. 16 Q Who's the one who said that the animal rights 17 groups were terrorists? 18 A I think it was probably the detective, 19 according to the records Froemming said. 20 Q Let me ask you to turn to the next page, 21 ma'am. It talks in the first paragraph about you 22 wanted to make a citizen's arrest. Cops tell her to</p>	<p>1 and break the law for her. Note: While at the fence 2 a younger female was starting to climb it." 3 Do you see that? 4 A Yes. 5 Q Is that, ma'am, true that you have a way of 6 getting others to try and break the law for you? 7 A No. I have never asked anyone to break the 8 law for me. 9 Q Let me ask you to look at the next page, page 10 4118. Do you have that in front of you? 11 A Um-hum, 4118. 12 Q Do you see at the top it says, "After the 13 show we walk the animals. Lambert is forced to stand 14 out on the street and doesn't try to walk with us but 15 remember the female who was starting to climb the 16 fence, well, she walks with us all the way back to 17 train. Keeps coming into street. With Froemming 18 finally getting a cop to escort her off same and keep 19 her up on the sidewalk." 20 Ma'am, did you observe this woman who was 21 trying to climb the fence and get into the Ringling 22 compound?</p>

Page 1160	Page 1162
<p>1 A I vaguely remember that because we wondered 2 who it was, and we thought it might be some Ringling 3 people trying to make us look bad, but we never had 4 anybody climb fences. 5 Q Do you see on the bottom there it says, "If 6 Froemming hadn't walked into the tent" -- this is 7 under number 3. "If Froemming hadn't walked into tent 8 with handlers busy with elephants off of the chains, 9 you can bet the younger female would have finished 10 climbing the fence and we could have had a major 11 incident inside." Do you see that? 12 A Um-hum, I see it. 13 Q Now, the elephants that were the subject of 14 this dispute that you had with Mr. Froemming, were 15 they in a tent in the parking lot? 16 A I think they were just chained out on the 17 parking lot. I don't think the tent was up. 18 Q You don't recall there being a tent there 19 that you tried to peak into with your video camera? 20 A Not at that time, no. It was opened to the 21 public. 22 Q You testified earlier that you never tried to</p>	<p>1 Tuesday, haven't you? 2 A Monday night I arrived about 11 o'clock. 3 Q And you've been coming to court and sitting 4 outside for a few days? 5 A A couple days, yes. 6 Q And once you ate lunch with the PETA lawyers 7 and the folks from PETA? 8 A No. 9 Q You were never in the lunchroom with the PETA 10 lawyers? 11 A Oh, in the lunchroom, yes, but not eating 12 next to them. 13 Q How many times did you speak to Mr. Hirschkop 14 about this case? 15 A Let's see. Three times maybe. He called. 16 Q The documents he went through with you, I 17 think you mentioned in your testimony you had seen 18 some of them before; is that right? 19 A A few of them. 20 Q When did you see those? 21 A I think I saw about six pages. They were 22 mailed to me because I did not know anything had been</p>
Page 1161	Page 1163
<p>1 get into any box cars that had elephants in them at 2 Ringling. Do you recall that testimony? 3 A Yes. 4 Q Ma'am, isn't it true that Mr. Kendall here 5 observed you on several occasions trying to sneak into 6 Ringling box cars? 7 A No. I stood on the -- Ringling outside. 8 Q You never tried to sneak into a box car? 9 A No, of course not. 10 Q Ma'am, let me ask you a little bit about how 11 you came to be here today. You came here, am I 12 correct, from California? 13 A Yes. 14 Q And you came here at the request of PETA's 15 lawyers? 16 A Mr. Hirschkop, yes. 17 Q He's PETA's lawyer right here? 18 A Yes. 19 Q And you spoke with Mr. Hirschkop, of course, 20 about your testimony here today? 21 A Very little. I wished I had. 22 Q Well, you've been here since last Monday or</p>	<p>1 going on, and he said it has been. And so he sent me 2 a few pages. 3 Q Who is "he"? 4 A Mr. Hirschkop. And when I read it, I 5 realized it had been going on. And so I said yes, I 6 will come back and testify. So that was the first 7 time I ever saw anything. 8 Q I gather from your testimony you've been 9 opposed to the Ringling Circus and its use of 10 elephants for 17 or 18 years since you started The 11 Elephant Alliance? 12 A Not opposed to the Ringling Circus, no. 13 Q You've been opposed to Ringling Circus' use 14 of elephants? 15 A The use of elephants, yes. 16 Q For the last 18 years? 17 A Has it been that long? Okay. 18 Q I don't know, ma'am. You tell me. 19 A Well, let's see. '89? 20 Q Maybe a little more than 18 years? 21 A Well, okay, whatever you say. 22 Q And you've demonstrated at Ringling Circus</p>

Page 1164

1 events?
 2 A Yes.
 3 Q Now, I heard you tell Mr. Hirschkop that all
 4 the demonstrations that you participated in or
 5 attended were peaceful, calm demonstrations; is that
 6 right?
 7 A Yes.
 8 Q I also heard you tell him that sometimes
 9 there are a lot of police there.
 10 A Yes.
 11 Q Why were the police there?
 12 A Because Ringling calls them.
 13 Q Why do the police need to be there?
 14 A They don't.
 15 Q Okay. So your understanding is the police
 16 come to these demonstrations sort of for the fun of
 17 it?
 18 A No, because they're called by Ringling Bros.
 19 Q Have you seen animal rights activists or
 20 demonstrators screaming at circus patrons, including
 21 children, at Ringling events?
 22 A No, I haven't.

Page 1165

1 Q If an animal rights group did that, that
 2 would be wrong, wouldn't it?
 3 A Yes, I think -- well, it wouldn't be what we
 4 would do.
 5 Q I understand. If an animal rights group did
 6 that, that would be wrong.
 7 MR. HIRSCHKOP: Objection. Speculative, Your
 8 Honor.
 9 THE COURT: Answer the question.
 10 A In my mind it would be wrong. It wouldn't be
 11 the thing to do.
 12 BY MR. PETROSINELLI:
 13 Q And I think you mentioned, did you say that
 14 you spoke with children at some of these
 15 demonstrations? You gave them coloring books or
 16 something?
 17 A We would pass out coloring books to children
 18 if they wanted them and if their parents would allow
 19 them to have them.
 20 Q These are children who are walking into the
 21 event with their parents?
 22 A Yes.

Page 1166

1 Q Have you seen animal rights activists try to
 2 spook the elephants?
 3 A No.
 4 Q If an animal rights group was engaged in
 5 trying to spook the elephants, that would be wrong.
 6 A Yes, it would be wrong.
 7 Q Let me ask you to look at Plaintiff's Exhibit
 8 815, which Mr. Hirschkop showed you. Particularly,
 9 ma'am, do you see the page numbers on the bottom? The
 10 number I want to focus you on is Corp. 2299.
 11 A Right.
 12 Q Could we have that, Mr. Andelman.
 13 A "Onto the walk?"
 14 Q Yes. Let me ask you, ma'am. Do you see
 15 where it says, "Two female activists from PETA with
 16 banner on sticks. Approach our elephants down by the
 17 arena. R. Froemming confronts them. Lays down the
 18 ground rules. Stay away from the elephants and out of
 19 the street. Won't listen. Police come over and
 20 reinforce fact that activists will not be allowed
 21 either to walk in the street by the elephants or be
 22 near them. R. Froemming moves the activists over to

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1 the sidewalk. Walk begins. You guessed it. Same two
 2 nuts come out in the street, start to poke sticks at
 3 the elephants. Froemming physically removes them from
 4 the area."
 5 Do you see that?
 6 A Um-hum.
 7 MR. HIRSCHKOP: Your Honor, I'm going to
 8 object to the predicate. He's welcome to ask her, but
 9 I did not show her this document, contrary to what he
 10 says.
 11 MR. PETROSINELLI: I apologize if he didn't.
 12 A I have never seen it before.
 13 BY MR. PETROSINELLI:
 14 Q Do you see what it says there?
 15 A Yes.
 16 Q Now, if PETA activists were poking sticks at
 17 the elephants, that would be wrong, wouldn't it?
 18 A I can't believe they were PETA activists.
 19 Q If PETA activists were poking sticks at the
 20 elephants, that would be wrong, wouldn't it?
 21 A Yes, it would be if --
 22 Q In fact, wouldn't that be dangerous because

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1 given the knowledge you've testified to for elephants,
 2 if you poke an elephant like that, the elephant could
 3 spook, couldn't it?
 4 A Probably, except these elephants are so used
 5 to being poked, they wouldn't. They're so --
 6 Q Ma'am, the elephants could spook, couldn't
 7 they?
 8 A Possibly.
 9 Q If they spook, they could kill someone,
 10 couldn't they?
 11 A Possibly.
 12 Q Are you aware of whether or not Ringling
 13 received bomb threats from people who indicated they
 14 were animal rights activists?
 15 A No.
 16 Q If animal rights activists called in bomb
 17 threats to Ringling, that would be wrong, wouldn't it?
 18 MR. HIRSCHKOP: I'm going to object to this
 19 whole line of questioning. It's purely speculative.
 20 If they dropped an atom bomb, it would be wrong, too.
 21 THE COURT: That objection is sustained.
 22 MR. HIRSCHKOP: Or even if they had weapons

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1 A It wouldn't be a good thing to do.
 2 Q Would it be wrong?
 3 A I'm not sure what you mean by wrong, but I
 4 wouldn't do it.
 5 Q Do you think it's okay to commit unlawful
 6 acts against the circus or any other business you have
 7 a disagreement with?
 8 MR. HIRSCHKOP: Your Honor, what she
 9 generally thinks about any other business, it's way
 10 beyond the scope.
 11 MR. PETROSINELLI: I will rephrase it, Your
 12 Honor.
 13 THE COURT: All right.
 14 BY MR. PETROSINELLI:
 15 Q Do you think it's okay to commit unlawful
 16 acts against the Ringling Circus if you have a
 17 disagreement with them?
 18 A No, but I don't think they should come to my
 19 home and take copies of my papers either.
 20 Q Ma'am, do you think it's okay to commit
 21 unlawful acts against the Ringling Circus? Yes or no.
 22 A No, I don't.

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1 of mass destruction.
 2 BY MR. PETROSINELLI:
 3 Q Ma'am, are you aware that PETA dumped a
 4 truckload of manure at the Ringling headquarters?
 5 MR. HIRSCHKOP: Objection, Your Honor.
 6 MR. PETROSINELLI: Your Honor, Mr. Smith
 7 testified about that the other day.
 8 THE COURT: Overruled.
 9 BY MR. PETROSINELLI:
 10 Q Are you aware that PETA dumped a truckload of
 11 manure at the Ringling headquarters?
 12 A I think I heard about it.
 13 Q Do you think that conduct was wrong?
 14 A If they did it. I mean, why would they do
 15 it.
 16 Q Did you ever see any animal rights
 17 demonstrators actually try to disrupt a circus event
 18 by either chaining themselves to doors or hanging from
 19 the rafters at an arena or anything like that?
 20 A No.
 21 Q If an animal rights demonstrator did that,
 22 that would be wrong.

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1 Q Can I ask you to look at Plaintiff's Exhibit
 2 108, please.
 3 A 108?
 4 Q Okay. I believe this is an exhibit
 5 Mr. Hirschkop showed you. The first page I wanted to
 6 ask you about.
 7 A Um-hum.
 8 Q Three paragraphs from the bottom, it says, "I
 9 have also included" -- this is a letter from
 10 Mr. Froemming to Mr. Smith dated June 17, 1991. Three
 11 paragraphs from the bottom, it says, "I have also
 12 included the current mailing from Putting People First
 13 which refers to hate mail, threatening letters from
 14 PETA and also death threats which are currently being
 15 directed against Putting People First and also
 16 Kathleen Marquardt." Do you see that?
 17 A I see that. He didn't show it to me.
 18 Q Are you aware of any death threats that were
 19 made against Ringling or Putting People First?
 20 A No, never.
 21 Q Mr. Hirschkop asked you about the Animal
 22 Liberation Front. Do you recall him asking you about

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1 that?

2 A Yes.

3 Q Isn't it true that the Animal Liberation

4 Front is an animal rights group that advocates

5 violence and criminal acts, like fire bombing and

6 break-ins?

7 A I really don't know anything about their --

8 what they do or what their MO is.

9 Q What do you know about them? Mr. Hirschkop

10 asked you if you had been associated with them, and

11 you said no.

12 A No.

13 Q What do you know about them?

14 A I know they demonstrate and what the ALF

15 stands for. And occasionally on the news you hear

16 something about it may be attributed to them, but I

17 don't know anything about them, really.

18 Q Let me ask you to look at Plaintiff's Exhibit

19 63.

20 A Okay.

21 Q On the first page of that exhibit -- this is

22 a memo dated November 2, 1990. Under the first

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1 heading, four paragraphs down it says, "Also has the

2 entire ALF literature that Florence Lambert received

3 after her donation." Do you see that?

4 A Um-hum.

5 Q Ma'am, did you make a donation to the Animal

6 Liberation Front?

7 A I think I sent them a check once for \$100

8 after they had -- on television it showed them freeing

9 some dogs that were skin and bones and terrible dead

10 animals all over the place. And -- but I don't really

11 even know who I sent it to because there was no

12 address. So I sent them that. If they sent me

13 literature, I didn't read it. I just wanted to send

14 that check.

15 Q So, ma'am, you sent \$100 to the Animal

16 Liberation Front.

17 A I think it was a hundred. You probably have

18 the check, but I think it was a hundred.

19 Q And they sent you some literature back.

20 A I don't remember reading it.

21 Q Did you come to find out that the Animal

22 Liberation Front was responsible for bombings and

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1 break-ins at facilities all over the country?

2 A No.

3 Q Your testimony is that at the time you made

4 that \$100 donation to the Animal Liberation Front, you

5 didn't know anything about them?

6 A No. Only what I say, that they would help

7 the terrible situation the animals were in.

8 Q Let me ask you to look at another exhibit,

9 Plaintiff's Exhibit 434. By the way, before I ask you

10 about that, are you aware whether or not the FBI has

11 designated the Animal Liberation Front as a domestic

12 terrorist organization?

13 A No. Have they?

14 Q I can't answer your question, ma'am. I'm

15 sorry.

16 A All right.

17 MR. HIRSCHKOP: Your Honor, may we approach

18 the bench?

19 THE COURT: Counsel approach.

20 (Counsel approached the bench, and the

21 following proceedings were held:)

22 MR. HIRSCHKOP: I was very explicit about my

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1 questions. Question, is the Animal Liberation Front

2 involved in any demonstration involving Ringling Bros?

3 If we are making a full-blown trial about the Animal

4 Liberation Front, it goes beyond all your prior

5 rulings.

6 MR. PETROSINELLI: Your Honor, I want to ask

7 this witness one more question about a document about

8 the Animal Liberation Front that Mr. Hirschkop showed

9 her and specifically asked her about. That's it.

10 MR. HIRSCHKOP: The FBI goes into the

11 terrorist organization. It's way beyond your prior

12 limitations, Your Honor. I thought I better come up

13 here and get an advance ruling on it.

14 MR. PETROSINELLI: We can deal with that

15 later. I'm not going to ask her any more about it.

16 THE COURT: All right.

17 (The bench conference was concluded.)

18 BY MR. PETROSINELLI:

19 Q Ma'am, this is a document that Mr. Hirschkop

20 showed you and went over in some detail, so I'm not

21 going to talk too much about it. It's a memo to Allen

22 Bloom from Richard Froemming dated August 10, 1992.

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<p>1 That paragraph that begins in the middle, "We have 2 just finished the demonstration in Los Angeles." Do 3 you see that? 4 A Um-hum, yes. 5 Q Did you in fact participate in a 6 demonstration against Ringling in the first week of 7 August of 1992? 8 A Probably, yes. 9 Q It says you were there with this gentleman, 10 Chris Derosé of Last Chance for Animals. Is that 11 true? 12 A Um-hum, yes. In '92, yes. 13 Q You remember him being there with you? 14 A Yes, uh-huh. 15 Q And then it says, "And members of the ALF 16 were there." Do you see that? 17 A Yes. 18 Q I want to make sure I understood your 19 testimony about that. Do you believe that members of 20 the ALF were at this demonstration with you or you 21 don't know? 22 A I don't know. I don't believe so, but I</p>	<p>1 Q And he would be sort of counterdemonstrating 2 to what you were demonstrating? In other words, his 3 demonstration would be supportive of the circus? 4 A Well, he would really be harassing us by 5 throwing a camera and video in our face and coming up 6 within, you know, six inches. 7 Q But this was in a public place. 8 A Oh, yeah, it was where we were supposed to 9 stand, uh-huh. 10 Q And Mr. Kendall told you that he was going to 11 be providing videotapes to the FBI? 12 A No. He just said that I'm taking your 13 picture for the FBI, so smile, this sort of thing, and 14 these crazy things. 15 Q Let me ask you to look, ma'am, next to 16 Plaintiff's Exhibit 91. In particular, ma'am, the 17 page that's labeled with the number Smith, dash, PETA 18 0488, which is several pages in. 19 A 0488? 20 Q Yes, ma'am. 21 A Okay. I have it. 22 Q Again, I think this is something</p>
Page 1177	Page 1179
<p>1 don't know. 2 Q Just below the quote in the middle where 3 Mr. Derosé is quoted as saying that he broke into the 4 lab at UCLA, it says, "We will be providing this tape 5 to our contact with the FBI out of the Pittsburgh 6 office." Do you see that? 7 A Um-hum, yes. 8 Q Did you have any contact with the FBI at all? 9 A Who is providing the tape? I don't quite 10 understand. Froemming? 11 Q Ma'am, I can't answer your questions. My 12 question was did you have any contact with the FBI? 13 A No, no. 14 Q Were you aware whether the FBI was 15 investigating it? 16 A No. Only Mr. Kendall said something about we 17 are taking your picture for the FBI, but I thought he 18 was joking. 19 Q You mentioned Mr. Kendall. I just wanted to 20 ask you, you would see Mr. Kendall at some of these 21 demonstrations; is that correct? 22 A Um-hum, yes.</p>	<p>1 Mr. Hirschkop asked you about, and I just wanted to 2 get some clarification on something. Do you see where 3 it says, "Speaking of Phoenix, this is important" is 4 the heading there become halfway down the page? 5 A Yes. 6 Q It says, "Florence wants to find someone to 7 put undercover into Ringling's show when it arrives in 8 Phoenix. Has asked our operative to help her find 9 someone." Do you see that? 10 A Um-hum. 11 Q Is it your testimony that you never asked 12 anyone to put in an undercover operative in the 13 Ringling Circus in Phoenix? 14 A No. I never asked anyone to. 15 Q Do you see right under that sentence, it 16 says, "What is it she is looking for?" And it has a 17 list of things. Want to know what the elephants eat, 18 how often they eat, who feeds them and so forth. Do 19 you see that list? 20 A Yes. 21 Q In those things you were in fact interested? 22 A Yes, I was concerned about them.</p>

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1 Q So that your testimony would be that part of
 2 this memo is true, but the prior part is not true?
 3 A Yes. Um-hum.
 4 Q Let me ask you to look at Plaintiff's Exhibit
 5 95, just a few tabs beyond where you are right now.
 6 A Um-hum. 95, okay.
 7 Q In particular, it's a letter to Mr. Froemming
 8 and Mr. Smith dated May 28, 1991. In particular, the
 9 second page and the paragraph at the bottom.
 10 A All right. "Strong possibility that Doll
 11 Stanley" --
 12 Q Very bottom paragraph. "Florence is pushing
 13 very hard to place an individual under cover into the
 14 show by the time it gets to Phoenix. She is trying to
 15 monitor several items about the elephants, which I
 16 have covered in my previous reports."
 17 Do you see that?
 18 A Yes.
 19 Q Are you sure, ma'am, you weren't pushing very
 20 hard to place an individual undercover into the show?
 21 A I am sure.
 22 Q Let me ask you to look at Plaintiff's Exhibit

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1 126.
 2 A Okay.
 3 Q On the second page of that letter, which is
 4 dated July 2, 1991, from Mr. Froemming to Mr. Smith,
 5 in the third paragraph there -- again, I think
 6 Mr. Hirschkop asked you about this. "In regards to
 7 the individual that we have working undercover for
 8 Florence Lambert in the show, I have included a
 9 statement for services. At present we are giving
 10 Ms. Lambert totally useless information from her
 11 undercover operative."
 12 Ma'am, does that in any way refresh your
 13 recollection that you asked and received an undercover
 14 operative in the circus?
 15 A No. Unless they're referring to Catherine
 16 Stevens who volunteered to go to Phoenix and call me
 17 and tell me what she saw. But I did not have her as
 18 an undercover person working. It was her choice.
 19 Q Ma'am, does PETA use undercover operatives?
 20 A I don't know.
 21 Q Let me ask you, you mentioned a couple times,
 22 I think, that you had twice written to Mr. Feld

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1 directly to request a meeting with him?
 2 A Um-hum, yes.
 3 Q Is that right?
 4 A Yes, correct.
 5 Q One time was in the early 1990s, is that
 6 right, the first time?
 7 A It was either '90 or '91. It was probably
 8 around '90. I have the letters. I could check if
 9 you'd like.
 10 Q Actually, I have the letters right here, and
 11 I'm going to show them to you.
 12 A Okay.
 13 Q Let me just ask your recollection first. The
 14 first time you asked to meet with Mr. Feld, isn't it
 15 true that you called, and they told you that Mr. Feld
 16 was out of town, and therefore he was unable to meet
 17 with you?
 18 A I thought they put that in a letter. I can't
 19 remember, but yes.
 20 Q The second time you asked to meet with
 21 Mr. Feld, which was in June of 1994, I think you said
 22 you wrote him a nice letter; correct?

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1 A Um-hum, I did.
 2 ~~Q And you asked to meet with him.~~
 3 A Yes.
 4 Q And he wrote you a nice letter back, didn't
 5 he?
 6 A No. His secretary did.
 7 MR. PETROSINELLI: Your Honor, may approach
 8 the witness?
 9 THE COURT: Yes, sir.
 10 BY MR. PETROSINELLI:
 11 Q I've got marked for identification
 12 Defendants' Exhibit 394. Let me show you, ma'am, what
 13 I have marked for identification as Defendants'
 14 Exhibit 394. I don't want you to read from that
 15 letter yet because it's not in evidence, but I just
 16 wanted to ask you, does that refresh your recollection
 17 that Mr. Feld himself wrote directly back to you
 18 within a week after you wrote to him requesting a
 19 meeting?
 20 A It looks like it, yes. I thought it was from
 21 the secretary, but let me look.
 22 Q And what Mr. Feld told you, did he not, is

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1 that he, unfortunately, was not going to be in town
 2 when you were in town, but he would have one of his
 3 vice-presidents, Mr. Ireland, meet with you?
 4 A Right.
 5 Q And that's what happened.
 6 A Yes.
 7 Q Some questions, ma'am, about some of the
 8 testimony you gave about elephants in the Ringling
 9 Circus. Am I correct that you don't travel with the
 10 circus, do you?
 11 A No.
 12 Q You're not with the elephants 24 hours a day,
 13 are you?
 14 A No.
 15 Q You don't know how many veterinarians
 16 Ringling has on staff to take care of the elephants,
 17 do you?
 18 A Yes.
 19 Q How many veterinarians does Ringling have?
 20 A When we first started, they had one
 21 veterinarian that took care of the elephants, and then
 22 they made contacts I guess in cities. If they needed

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1 another vet, they would call someone.
 2 Q Are you aware, ma'am, of Ringling Center for
 3 Elephant Conservation in Florida?
 4 A Oh, yes.
 5 Q Do you know how large that facility is?
 6 A I know the elephants stay in a very small
 7 area.
 8 Q Do you know how large the facility is?
 9 A No.
 10 Q Do you know how many elephants are at the
 11 facility?
 12 A At this point I am not sure how many are
 13 there.
 14 Q How many times have you visited the facility?
 15 A I have asked to visit it but was told I
 16 couldn't.
 17 Q Have you ever visited the facility?
 18 A No.
 19 Q You gave some testimony about elephant walks
 20 and some of the things that you observed at elephant
 21 walks; is that right?
 22 A Um-hum.

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1 Q Am I correct, ma'am, that Ringling publicizes
 2 its elephant walks?
 3 A They did in the beginning. And then they
 4 would sneak into towns during the night and have their
 5 walks early so that nobody knew when they were coming
 6 in, even the media.
 7 Q Is it your testimony that Ringling doesn't
 8 tell the media organizations in the towns they're
 9 coming to about the elephant walks?
 10 A Sometimes they don't.
 11 Q These elephant walks, the ones that you've
 12 observed, they walk the elephants literally right down
 13 a public street.
 14 A Walk or run them, yes.
 15 Q And to do that, the streets have to be
 16 cordoned off, correct, or do they have cars driving
 17 through?
 18 A No. They don't have cars driving through,
 19 but they're not cordoned off.
 20 Q And the elephants come walking right down the
 21 street in front of everyone who is there.
 22 A Walk or run.

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1 Q In front of everyone who's there?
 2 A Yes, if they're there.
 3 Q You gave some testimony about Ringling
 4 elephants named Romeo and Juliet. Do you remember
 5 that testimony?
 6 A Right, the babies.
 7 Q What year were you talking about that these
 8 baby elephants went on tour with the circus?
 9 A What year did they die in?
 10 Q Ma'am, what year were you talking about?
 11 A It was when they were just two years old.
 12 I'd have to look in the records. In the early '90s.
 13 Q Ma'am, do you know how they were transported
 14 to the circus events they went to? By what mechanism?
 15 A I think one time they were transported in a
 16 truck instead of in the box car.
 17 Q Do you know in fact that they never were in
 18 any box car?
 19 A I don't know that, no.
 20 Q You mentioned that one of your objections to
 21 these elephants was that you thought that their
 22 mothers were not there with them when they went.

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<p>1 A Their mothers were chained sometimes separate 2 from them. 3 Q Ma'am, do you know if in fact their mothers 4 went with them everywhere they went? 5 A They were chained separately from their 6 mothers. I have a video of it. 7 Q You mentioned that your organization started 8 in 1991; is that correct? 9 A We were incorporated in late 1991. 10 Q You mentioned that your board has expanded 11 since then to include some celebrities; is that right? 12 A Well, Jane Goodall and Doris Day. 13 Q When did that happen? 14 A Kind of along the years and in that period of 15 time, the '90s, early '90s. 16 Q You gave some testimony I think about how you 17 got started, something to do with concern about dogs 18 and cats. Do you remember that? 19 A Well, yes. Most everybody is, I think, yes, 20 used to concern for animals, and dogs and cats were 21 closest. 22 Q Is it your understanding that PETA is opposed</p>	<p>1 nothing to do with this case. 2 (The bench conference was concluded.) 3 MR. PETROSINELLI: Ma'am, thank you. I don't 4 have anything further. 5 THE WITNESS: Thank you very much. 6 THE COURT: Any redirect, Mr. Hirschkop? 7 MR. HIRSCHKOP: Just a moment, Your Honor. 8 May I approach the witness with one document, 9 Your Honor? 10 THE COURT: Yes. 11 MR. HIRSCHKOP: Well, let me just read from 12 the document. It will save everyone time, Your Honor. 13 I have Exhibit No. 995, Counsel. 14 REDIRECT EXAMINATION 15 BY MR. HIRSCHKOP: 16 Q I'd like to read to you from a document. 17 It's a report of April 4, 1994, from Richlin 18 Consultants directed to Kenneth J. Feld, president. 19 It's one directed directly to him. On the second 20 page, "During our last conversation, I indicated that 21 Patti wanted to build a pen next to the baby compound 22 to separate the babies for a few hours a day, to</p>
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<p>1 to people even having pets? 2 A No. 3 Q That's not your understanding? 4 A No. 5 Q Does your organization kill thousands of dogs 6 and cats every year? 7 A Our organization? No. Of course not. 8 Q Is your organization opposed to seeing eye 9 dogs for the blind? 10 MR. HIRSCHKOP: Your Honor, may we approach? 11 THE COURT: Counsel approach. 12 (Counsel approached the bench, and the 13 following proceedings were held:) 14 MR. HIRSCHKOP: They are so far beyond the 15 scope of direct. It's just a lot of slinging mud. 16 THE COURT: I am not sure you want to start 17 this. 18 MR. PETROSINELLI: Let me move on. 19 MR. HIRSCHKOP: I want to be very clear. If 20 it goes a step farther with her or any other witness, 21 I am going to use Pottker, and I have a right to do 22 so. Pottker has a lot to do with this case. This has</p>	<p>1 enable her to practice." 2 MR. PETROSINELLI: Mr. Hirschkop, it's not in 3 the exhibit I have. 4 MR. CAWLEY: (Indicating). 5 MR. HIRSCHKOP: 995, second page. Right 6 there. 7 BY MR. HIRSCHKOP: 8 Q "During our last conversation, I indicated 9 that Patti wanted to build a pen next to the baby 10 compound to separate the babies for a few hours a day, 11 to enable her to practice. 12 "I originally thought this would be a good 13 idea, however having second thoughts about this, I 14 subsequently spoke with Buckles, Jimmy Silverlake and 15 also Gunther. Do you know who they were? Gunther -- 16 A Buckles Woodcock is notorious for being very 17 heavy handed with the animals, the elephants. 18 Q Was he a Ringling employee as far as you 19 knew? 20 A I don't know. 21 Q And Gunther is the same one you spoke about 22 before about beating animals?</p>

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<p>1 A Yes, and he is with Ringling -- was with</p> <p>2 Ringling.</p> <p>3 Q "After talking with them it has been decided</p> <p>4 that we are not going to be building a pen for the</p> <p>5 following reasons.</p> <p>6 "All three indicated that if we separate the</p> <p>7 babies from the mothers, while still in sight, that</p> <p>8 the mothers would bring down the roof trying to get</p> <p>9 them back.</p> <p>10 "Besides the noise problem everyone indicated</p> <p>11 this could have an adverse effect on the act, whereas</p> <p>12 the baby elephants may start to act up.</p> <p>13 "Buckles indicated that best way to handle</p> <p>14 the situation, would be to wait until we get to</p> <p>15 Philadelphia, have the electric fence set up and then</p> <p>16 we could try it away from the public.</p> <p>17 "He also said the best way to do this, would</p> <p>18 be to go cold turkey - at the end of the year - send</p> <p>19 the mothers home - and within a week the babies would</p> <p>20 be fine."</p> <p>21 Is this the sort of thing you were objecting</p> <p>22 to?</p>	<p>1 A Well, yes, it is.</p> <p>2 THE COURT: All right. Sustained.</p> <p>3 BY MR. HIRSCHKOP:</p> <p>4 Q Well, if Mr. Froemming wrote that, would that</p> <p>5 be his view?</p> <p>6 A Of course it would. He put in what he</p> <p>7 wanted.</p> <p>8 Q Did he put your view in that document?</p> <p>9 A No.</p> <p>10 Q I read to you from a number of documents this</p> <p>11 morning. You told me they were just totally</p> <p>12 untruthful. They were lies; is that correct?</p> <p>13 A Right.</p> <p>14 Q So do you have any reason to trust some of</p> <p>15 Mr. Froemming's representations in these reports?</p> <p>16 A No, I don't.</p> <p>17 Q You were asked about police being at events.</p> <p>18 Have you been to large events, baseball games,</p> <p>19 football games, any large event at an arena? Have you</p> <p>20 been to large events with people at arenas?</p> <p>21 A Yes.</p> <p>22 Q Are there always law enforcement of some kind</p>
Page 1193	Page 1195
<p>1 A Yes. Of course. The babies would not be</p> <p>2 fine.</p> <p>3 Q "He did say that the first twenty miles or</p> <p>4 so, would be a little rough with the mothers in the</p> <p>5 transport vehicle,"</p> <p>6 Did the elephants, to your knowledge, object</p> <p>7 to being separated from their babies or did the babies</p> <p>8 from the mothers?</p> <p>9 A Yes. And I have video of the babies</p> <p>10 straining on their chains and trying to reach the</p> <p>11 mothers. The mothers doing the same.</p> <p>12 Q I'd like to ask you a little about videos.</p> <p>13 Counsel read to you from some reports from</p> <p>14 Mr. Froemming. Were you aware that what he read to</p> <p>15 you on report 105, Exhibit 105-3 about the detective,</p> <p>16 that report was written by Mr. Froemming? Were you</p> <p>17 aware of that?</p> <p>18 A No.</p> <p>19 Q So whatever it says in there, that's</p> <p>20 Mr. Froemming's view of what happened. Is that right?</p> <p>21 MR. PETROSINELLI: Your Honor, he's leading</p> <p>22 and arguing his case.</p>	<p>1 there, guards security?</p> <p>2 A There are a few, yes.</p> <p>3 Q At the circus was there security there,</p> <p>4 whether there were demonstrators or not?</p> <p>5 A Whether there were demonstrators or not was</p> <p>6 there security?</p> <p>7 Q Was there security present, sure.</p> <p>8 A I assume there must have been at the arenas,</p> <p>9 yes.</p> <p>10 Q With the animals and lot of children and</p> <p>11 parents, did you always see security around?</p> <p>12 A Yes. When I was there, um-hum.</p> <p>13 Q Now, you were asked about the time</p> <p>14 Mr. Froemming assaulted you. Was Mr. Froemming</p> <p>15 wearing a suit and tie?</p> <p>16 A No.</p> <p>17 Q Did he give any appearance of being an</p> <p>18 official of Ringling?</p> <p>19 A No. I have pictures of him. He -- I can't</p> <p>20 believe that Ringling had him as an employee. He</p> <p>21 looked like a -- well -- he didn't look professional.</p> <p>22 Q Is there any way you could know from his</p>

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1 appearance that day that he had the authority to
 2 remove you from the premises?
 3 A Well, he was on the other side of the fence
 4 with the animals.
 5 Q How did you know he wasn't an animal handler?
 6 A Well, I didn't.
 7 Q How do you know he was someone with
 8 managerial capacity to remove you from the premises?
 9 A I didn't. I was surprised when I found out.
 10 MR. HIRSCHKOP: May we approach the bench,
 11 Your Honor?
 12 THE COURT: Counsel approach.
 13 (Counsel approached the bench, and the
 14 following proceedings were held:)
 15 MR. HIRSCHKOP: Your Honor, given their
 16 questioning about the specifics of that occasion, I
 17 think a picture now is clearly admissible. It shows
 18 she had no reason to believe this man had authority to
 19 remove her from the premises. Here is a copy of the
 20 picture, Your Honor.
 21 MR. PETROSINELLI: Judge, he refreshed
 22 himself there yesterday. We went over this yesterday

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1 A No, I don't.
 2 Q Let me ask you this. I keep raising it.
 3 Videos and pictures, did you see Mr. Kendall and
 4 people taking a lot of videos along the way?
 5 A Yes.
 6 Q Was Mr. Froemming taking a lot of videos or
 7 people from Feld or Ringling taking a lot of videos?
 8 A Yes.
 9 Q Were they always taking pictures or videos of
 10 you and other --
 11 A Other people, too, that were around that were
 12 connected with us in any way.
 13 Q Did I ever show you any of those videos?
 14 A No.
 15 Q Do you have any idea what happened to all
 16 those videos?
 17 A No.
 18 Q When you were asked do you think it was okay
 19 of various things by counsel, do you think it's okay
 20 for them to destroy all the videos they're now
 21 complaining about?
 22 MR. PETROSINELLI: Your Honor --

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1 and this morning. It was never on the exhibit list.
 2 MR. HIRSCHKOP: He opened the door.
 3 MR. PETROSINELLI: I didn't ask a single
 4 thing about any photos at all, Judge. Not a single
 5 thing.
 6 MR. HIRSCHKOP: He also asked about the
 7 coloring book, Your Honor. He raised it. I didn't
 8 raise it. I want to go into that.
 9 MR. PETROSINELLI: Your Honor, he raised it.
 10 He did raise it on direct. He can't do that.
 11 MR. HIRSCHKOP: Not the specifics of the
 12 coloring book. He went into it.
 13 MR. PETROSINELLI: Your Honor, I did not.
 14 THE COURT: You started the coloring book.
 15 MR. HIRSCHKOP: Only if they had one they let
 16 PETA use, I would like to use it.
 17 THE COURT: No.
 18 (The bench conference was concluded.)
 19 BY MR. HIRSCHKOP:
 20 Q Ma'am, if you were a terrorist, why would
 21 Mr. Ireland agree to meet with you at all, do you
 22 know?

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1 THE COURT: Sustained.
 2 Q Do you think it's okay to destroy evidence in
 3 a lawsuit?
 4 MR. PETROSINELLI: Your Honor, objection.
 5 THE COURT: I think I at some point sustained
 6 objections to that type of question from them.
 7 MR. HIRSCHKOP: You went along with the do
 8 you think it's okay, Your Honor. I objected the first
 9 few times when it went outside this lawsuit.
 10 MR. PETROSINELLI: Your Honor --
 11 MR. HIRSCHKOP: I will move on.
 12 THE COURT: All right.
 13 BY MR. HIRSCHKOP:
 14 Q Do you think it's okay for Mr. Feld to pay
 15 people to go into your home and steal your banking
 16 information?
 17 A Of course not --
 18 MR. PETROSINELLI: Objection, Your Honor.
 19 There's no evidence Mr. Feld paid anyone personally.
 20 MR. HIRSCHKOP: The evidence is very clear
 21 that Froemming paid Feld entities.
 22 THE COURT: Rephrase the question.

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1 **BY MR. HIRSCHKOP:**
 2 **Q Do you think it's okay that Mr. Froemming**
 3 **paid people to go into your home to steal your**
 4 **personal banking information?**
 5 **A No, of course not.**
 6 **Q Do you think it's okay that Mr. Feld's**
 7 **organization hired Mr. Froemming to do that?**
 8 **A No.**
 9 **MR. PETROSINELLI: Objection to the form,**
 10 **Your Honor.**
 11 **THE COURT: Overruled.**
 12 **BY MR. HIRSCHKOP:**
 13 **Q Do you think it's okay that Mr. Field paid**
 14 **people to privately record your conversations?**
 15 **A No.**
 16 **Q Do you think it's okay that Mr. Froemming**
 17 **paid people to report on your medical condition?**
 18 **A No, I don't.**
 19 **Q Did you do anything, anything to these circus**
 20 **people, to justify their doing that?**
 21 **A Only expose the abuse that was going on at**
 22 **the hands of the circus people to the animals.**

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1 **Q Now, this thing about putting an operative**
 2 **inside of Feld, you have very clearly said you didn't**
 3 **do such a thing. Did you notice in the report you**
 4 **were asked to read, that that report was written by**
 5 **Mr. Froemming?**
 6 **A Yes.**
 7 **Q Do you have any reason to believe it's true,**
 8 **given some of his other misstatements in reports**
 9 **you've seen this morning?**
 10 **A Well, the statement about Catherine Stevens**
 11 **telling me that she only worked ten months out of the**
 12 **year and that she was a nurse. The two of them**
 13 **certainly go together. So that part certainly is**
 14 **true.**
 15 **Q You were asked about the vets that Mr. Feld**
 16 **has and the fact that he -- I'm sorry, not Mr. Feld**
 17 **but the Feld organizations have, and that they have**
 18 **some kind of elephant breeding program. Do you have**
 19 **any knowledge that there was tuberculosis among a**
 20 **number of elephants in that elephant breeding program?**
 21 **A Yes.**
 22 **MR. PETROSINELLI: Objection, Your Honor.**

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1 **Approach.**
 2 **THE COURT: Counsel approach.**
 3 **(Counsel approached the bench, and the**
 4 **following proceedings were held:)**
 5 **MR. PETROSINELLI: Your Honor, I have three**
 6 **problems with this. One problem is that this had**
 7 **nothing to do with my cross. We never talked about**
 8 **tuberculosis or anything like that. Number two, any**
 9 **knowledge she would have absolutely has to be hearsay.**
 10 **She didn't testify about the elephants. It clearly**
 11 **coming from someone else. It's clearly unequivocal**
 12 **hearsay, and I didn't ask anything about it.**
 13 **MR. HIRSCHKOP: He did ask about this**
 14 **breeding facility. The documents themselves that I**
 15 **read yesterday showed that there was TB among the**
 16 **elephants. It's in their own documents, Your Honor.**
 17 **She has reports from the Department of Agriculture.**
 18 **MR. PETROSINELLI: That's hearsay.**
 19 **THE COURT: Sustained.**
 20 **(The bench conference was concluded.)**
 21 **BY MR. HIRSCHKOP:**
 22 **Q In the actions you took in demonstrating, did**

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1 **you have any thoughts in your mind about whether there**
 2 **was tuberculosis among those animals?**
 3 **A Yes, because --**
 4 **MR. PETROSINELLI: Your Honor, I object. I**
 5 **think she's going to start reading from hearsay.**
 6 **THE COURT: Tell me the precise question**
 7 **again.**
 8 **(The last question was read.)**
 9 **THE COURT: Sustained.**
 10 **MR. HIRSCHKOP: Nothing further.**
 11 **Thank you, Your Honor.**
 12 **THE COURT: May the witness be excused or**
 13 **subject to recall?**
 14 **MR. HIRSCHKOP: Excused, Your Honor.**
 15 **MR. PETROSINELLI: Excused.**
 16 **THE COURT: Ms. Lambert, you are excused as a**
 17 **witness. You may remain in the courtroom or leave,**
 18 **whatever you'd like to do.**
 19 **THE WITNESS: Thank you.**
 20 **THE COURT: Members of the jury, rather than**
 21 **start the next witness and then almost immediately**
 22 **take a break, let's just go ahead and take the**

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<p>1 afternoon break. If you would please, follow Deputy 2 McCracken. 3 (The jury left the courtroom). 4 THE COURT: All right. 15 minutes. 5 (A short recess was taken.) 6 (The jury returned to the courtroom.) 7 THE COURT: All right, members of the jury. 8 We will proceed with the presentation of the 9 plaintiff's case. Mr. Hirschkop, call your next 10 witness. 11 MR. HIRSCHKOP: Lisa Lange to the stand. 12 Whereupon, 13 LISA LANGE, 14 was called for examination by counsel for the 15 plaintiff, and after having been first duly sworn, was 16 examined and testified as follows: 17 DIRECT EXAMINATION 18 BY MR. HIRSCHKOP: 19 Q State your name, please. 20 A Lisa Lange. 21 Q Would you tell the jury your educational 22 background?</p>	<p>1 mom was very, very big on us learning about empathy. 2 And she -- you know, she thought that it should be 3 extended to the smallest among them and was always 4 talking about that type of thing. They were big civil 5 rights people and also thought that, you know, we had 6 animals in the house, and there were a lot of lessons 7 to that effect. 8 Q Later on when you got more involved in 9 organized animal rights work, did your mother stay in 10 close contact with you with regard to the work? 11 A Oh, yes. My mom and I have been close all 12 this time. 13 Q You say you did a children's show. Did it 14 have anything to do with the Louisiana SPCA? 15 A Yes. As a volunteer for them, one of the 16 things I did was I appeared on the show, and we talked 17 about things like why it's important to adopt animals 18 from shelters to save lives. And we talked about 19 different toys you should and shouldn't give cats and 20 dogs to keep them safe and, you know, general animal 21 care stuff like that. 22 Q What is your present position?</p>
Page 1205	Page 1207
<p>1 A I graduated from high school from South 2 Clifton High School and graduated with a degree in 3 political science from Loyola University. I also went 4 to UCLA and California State, L.A., before Loyola. 5 Q When did you get these degrees? 6 A I graduated from high school in 1984 and 7 college in 1989. 8 Q Did there come a time you got involved in 9 animal welfare work? 10 A Yes. I actually volunteered at a shelter in 11 Louisiana, the Louisiana SPCA where I helped. I did 12 pet therapy for nursing homes. I helped with stray 13 cats, trying to socialize them when we bring them in 14 off the streets, and just kind of help the 15 organization. I did a children's show every -- 16 approximately every Saturday, talking about proper cat 17 and dog care. 18 Q In your home when you were a child, did you 19 learn from your parents anything from animal welfare? 20 A Both of my parents were -- they were very 21 involved in teaching both my brother and me about just 22 the proper treatment of people and animals. And my</p>	<p>1 A I'm vice-president of communications for 2 PETA. 3 Q Now, there's been some allegations in this 4 case by Feld that PETA is opposed to people having 5 pets. Is that at all true? 6 A No. I'm hard pressed to think of someone on 7 staff who doesn't have a cat or a dog there or 8 several. 9 Q When you got out of college, where did you go 10 to work? 11 A Right out of college, I was in New Orleans. 12 I went back home to Los Angeles. And I worked at 13 different restaurant jobs to start off with. And I 14 volunteered initially at the Sea Shepherd Conservation 15 Society until I was hired by them. 16 Q What were your duties at the Sea Shepherd 17 Society? 18 A I did basic administrative work, took phone 19 calls. When donations would come in, I would log the 20 donations and deposit them. That type of thing. 21 Q What kind of group was the Sea Shepherd? 22 A C Shepherd is a marine mammal protection</p>

Page 1208	Page 1210
<p>1 organization.</p> <p>2 Q What kind of marine mammals did they seek to</p> <p>3 protect?</p> <p>4 A They were opposed to whaling and also opposed</p> <p>5 to killing of dolphins in purse-seine nets, which were</p> <p>6 the nets set upon tuna. They were also opposed to</p> <p>7 drift-net fishing and how it killed millions and</p> <p>8 millions of dolphins and whales and turtles and other</p> <p>9 unintended catch and, you know, basically stood up for</p> <p>10 any -- any marine mammals.</p> <p>11 Q When you left Sea Shepherd, where did you go?</p> <p>12 A I went to the Animals Voice magazine.</p> <p>13 Q Where was that located?</p> <p>14 A It was in southern California as well, Culver</p> <p>15 City.</p> <p>16 Q What did you do at the Animals Voice</p> <p>17 magazine?</p> <p>18 A I did some of the same, a lot of</p> <p>19 administrative work. I was also responsible for</p> <p>20 helping people to run classified ads in the magazine.</p> <p>21 Q At the Animal Voice magazine, did you do any</p> <p>22 writing?</p>	<p>1 did you also have a great interest in the press?</p> <p>2 A I did. I was beginning to have an interest</p> <p>3 in it and understand it, and I wrote for the magazine,</p> <p>4 and we were also, you know, considered the press at</p> <p>5 that point.</p> <p>6 Q During that time, did you learn anything</p> <p>7 about the treatment of animals in the circus?</p> <p>8 A Yes, during that time I did. Probably some</p> <p>9 prior to that from news accounts, from anything that</p> <p>10 you would see on television, from articles I would</p> <p>11 read and, frankly, people I would meet. The magazine</p> <p>12 would write biographies about animal welfare people,</p> <p>13 what they were doing, that type of thing.</p> <p>14 Q Those thoughts you formed then about the</p> <p>15 circus, those beliefs, did they get reinforced or</p> <p>16 changed as the years went by?</p> <p>17 A They weren't changed. I just learned more</p> <p>18 about various issues.</p> <p>19 Q What did you learn about the circus's</p> <p>20 treatment of animals back then?</p> <p>21 MR. PETROSINELLI: Objection, Your Honor,</p> <p>22 Can we approach?</p>
Page 1209	Page 1211
<p>1 A I did. I did write a few stories for the</p> <p>2 magazine, some of them shorter stories.</p> <p>3 Q While you were at the Animal Voice magazine,</p> <p>4 before that at Sea Shepherd, had you started doing</p> <p>5 some reading or any amount of reading in the area of</p> <p>6 animal rights on different animals?</p> <p>7 A Oh, sure. It's been an interest of mine for</p> <p>8 a very long time and from the time I was in college</p> <p>9 and volunteering, if not before then. And I would</p> <p>10 read anything I could, newspaper and that type of</p> <p>11 thing.</p> <p>12 Q During the last several years, did you act</p> <p>13 principally as PETA's spokesperson very often in the</p> <p>14 national press?</p> <p>15 A Very often, yeah.</p> <p>16 Q Are you the one in charge of reviewing PETA's</p> <p>17 press releases and things like that?</p> <p>18 A I review most of the press releases, yes.</p> <p>19 Q Do you deal a great deal with the press</p> <p>20 itself?</p> <p>21 A Yes, I do.</p> <p>22 Q When you were back writing for the magazine,</p>	<p>1 THE COURT: Counsel approach.</p> <p>2 (Counsel approached the bench, and the</p> <p>3 following proceedings were held:)</p> <p>4 MR. PETROSINELLI: We are going to start to</p> <p>5 have the same problem as with Ms. Lambert. He's going</p> <p>6 to start asking her to give opinions, and she's going</p> <p>7 to start offering opinions about treatment of animals,</p> <p>8 number one. Number two, it's all hearsay. She's not</p> <p>9 an animal trainer. She is a media person. So</p> <p>10 whatever she learned about treatment of animals, it</p> <p>11 came from somewhere else. Newspaper articles she</p> <p>12 mentioned, for example.</p> <p>13 MR. HIRSCHKOP: Your Honor, in 1993 she took</p> <p>14 over the section of PETA that ran the circus</p> <p>15 campaigns, and this is what she had in mind when she</p> <p>16 ran the circus campaigns. It's only the background.</p> <p>17 It's only what's in her own mind.</p> <p>18 MR. PETROSINELLI: It's hearsay, Your Honor,</p> <p>19 and I can tell you, you saw what happened with</p> <p>20 Ms. Lambert. She's going to start talking about these</p> <p>21 allegations about mistreatment that she has no</p> <p>22 personal knowledge of.</p>

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<p>1 THE COURT: I think that it's simple.</p> <p>2 Lambert was giving the jury opinion testimony.</p> <p>3 MR. HIRSCHKOP: It's much different. She's</p> <p>4 not going to go into those details. Ms. Lambert</p> <p>5 specialized in elephants. Lisa did not. It's just</p> <p>6 why she did what she's about to assert.</p> <p>7 THE COURT: You are allowed to present that.</p> <p>8 (The bench conference was concluded.)</p> <p>9 BY MR. HIRSCHKOP:</p> <p>10 Q What did you understand was the treatment of</p> <p>11 animals in the circus back when you were at the</p> <p>12 magazine in that period?</p> <p>13 A My understanding of what happened in the</p> <p>14 circus is that elephants are beaten with bull hooks.</p> <p>15 They're chained 95 percent of their life. They live</p> <p>16 in chains when they're not performing. They're beaten</p> <p>17 with bull hooks on the sensitive parts of their</p> <p>18 bodies. You only have to go to an elephant walk to</p> <p>19 see it happen. They're beaten on their ears, between</p> <p>20 their toes, on their knees. Force them to perform.</p> <p>21 Walk, get up. You see elephants walking, reaching</p> <p>22 down to spray themselves with dust. They like to take</p>	<p>1 campaigns that they dealt with.</p> <p>2 Q Do you remember approximately what year you</p> <p>3 left the magazine?</p> <p>4 A I left the magazine in 1992.</p> <p>5 Q Where did you go from there?</p> <p>6 A I had some time between jobs, but I went --</p> <p>7 my next job was for PETA.</p> <p>8 Q What was your duties when you first got to</p> <p>9 PETA?</p> <p>10 A I was the campaigns manager first.</p> <p>11 Q What did you do as campaigns manager?</p> <p>12 A I had to oversee the campaigns department at</p> <p>13 the time, and that just meant helping oversee when we</p> <p>14 had campaigns where we would leaflet the public about</p> <p>15 various issues.</p> <p>16 Q Did you have anything to do with any campaign</p> <p>17 with regard to the circus?</p> <p>18 A I did oversee the circus campaign.</p> <p>19 Q For how long did you do that?</p> <p>20 A I was the campaigns manager until the summer</p> <p>21 of 1996.</p> <p>22 Q So between late '92 and '96, you oversaw the</p>
Page 1213	Page 1215
<p>1 dust baths. And they're hit so that they don't dirty</p> <p>2 themselves.</p> <p>3 Q Have you actually seen that yourself?</p> <p>4 A Yes, yes.</p> <p>5 Q Does PETA, in fact, have videos of this on</p> <p>6 their website?</p> <p>7 A Yes.</p> <p>8 Q After you left Animal Voice magazine -- I'm</p> <p>9 sorry -- how long were you at the Animal Voice</p> <p>10 magazine?</p> <p>11 A I think I was at the Animals Voice magazine</p> <p>12 for just under a year.</p> <p>13 Q How did you come to leave then?</p> <p>14 A They decided to publish their last issue, and</p> <p>15 so I was going to be out of a job.</p> <p>16 Q I assume it had nothing to do with you.</p> <p>17 A No.</p> <p>18 Q While you were at the Animal Voice magazine,</p> <p>19 did you have occasion to deal with numerous groups</p> <p>20 involved in animal rights and animal welfare?</p> <p>21 A Yes. I mean the magazine covered a number of</p> <p>22 different groups, what their activities were and the</p>	<p>1 circus campaign.</p> <p>2 A Yes.</p> <p>3 Q What was the staffing for the circus campaign</p> <p>4 at PETA?</p> <p>5 A Well, when I first started, we only had two</p> <p>6 coordinators for all of the campaigns in the campaigns</p> <p>7 department. So one person would spend part of their</p> <p>8 time on the circus campaign, but they also had other</p> <p>9 things to look after.</p> <p>10 Q Can you estimate, was it most of their time</p> <p>11 or just a small portion of their time?</p> <p>12 A Of their time?</p> <p>13 Q For the one person who dealt with circuses</p> <p>14 all total.</p> <p>15 A It wasn't even half of their time dedicated</p> <p>16 to the circus.</p> <p>17 Q And that was just for Ringling or all</p> <p>18 circuses?</p> <p>19 A All circuses.</p> <p>20 Q Were there other circuses who used animals?</p> <p>21 A Yes.</p> <p>22 Q Were there other circuses PETA published</p>

Page 1216	Page 1218
<p>1 things about abuse of animals?</p> <p>2 A Yes.</p> <p>3 Q Did PETA publish things about Ringling's</p> <p>4 abuse of animals?</p> <p>5 A Yes.</p> <p>6 Q In that capacity as the person overseeing the</p> <p>7 circus campaigns in that three or four-year period,</p> <p>8 did you go to a number of circus demonstrations?</p> <p>9 A Yes.</p> <p>10 Q Did you go to demonstrations against</p> <p>11 Ringling?</p> <p>12 A Yes.</p> <p>13 Q Did you go to a number of animal walks?</p> <p>14 A Yes.</p> <p>15 Q In your experience, did you ever see anyone</p> <p>16 from PETA or a volunteer involved in a PETA</p> <p>17 demonstration interfere in any way with an animal</p> <p>18 walk?</p> <p>19 A No.</p> <p>20 Q Did you ever see anyone try to incite an</p> <p>21 elephant to do anything that would cause any danger to</p> <p>22 an elephant or people around a elephant?</p>	<p>1 of the circus. We promoted the clowns, for example.</p> <p>2 We did balloon animals for the kids, that type of</p> <p>3 thing, to show that we -- if they would just get rid</p> <p>4 of the animals, the circus would be obviously not an</p> <p>5 abusive thing. So we thought to promote the clowns.</p> <p>6 Q In the course of your attending these</p> <p>7 demonstrations against Ringling-Barnum & Bailey, did</p> <p>8 you ever see anybody from PETA or associated with a</p> <p>9 PETA demonstration accost or scream at a patron of the</p> <p>10 circus?</p> <p>11 A No.</p> <p>12 Q Would such conduct have been tolerated if it</p> <p>13 occurred?</p> <p>14 A No.</p> <p>15 Q Did you ever see anyone do anything</p> <p>16 inappropriate in front of or to a child in the course</p> <p>17 of the circus demonstration?</p> <p>18 A No. Never.</p> <p>19 Q The pro-clown demonstration, do you remember</p> <p>20 specifically where it occurred?</p> <p>21 A It was at the D.C. Armory.</p> <p>22 Q In that demonstration, was anyone handcuffed</p>
Page 1217	Page 1219
<p>1 A No. That's contrary to what we are trying to</p> <p>2 accomplish.</p> <p>3 Q If someone taking part in a PETA</p> <p>4 demonstration or against Ringling during that period</p> <p>5 of time had done such a thing, what would your action</p> <p>6 have been?</p> <p>7 A Would have removed them from the protest.</p> <p>8 Q You say "him." What if it was a her?</p> <p>9 A Well, I meant them.</p> <p>10 Q Just keeping it gender neutral.</p> <p>11 A Yes.</p> <p>12 Q With regard to the demonstrations against</p> <p>13 Ringling during this three or four years, the ones you</p> <p>14 went to, how many people would be at these</p> <p>15 demonstrations?</p> <p>16 A I mean we would feel very satisfied if we</p> <p>17 could get 20 people out.</p> <p>18 Q What would these 20 people be doing?</p> <p>19 A It depended on the protest. They would hold</p> <p>20 signs. I remember at least on one occasion -- it</p> <p>21 might have been two of the protests that I went to --</p> <p>22 we did something where we promoted the nonanimal part</p>	<p>1 or anyone handcuffed to block anybody?</p> <p>2 A No.</p> <p>3 Q Do you know of any demonstration PETA has</p> <p>4 ever held at the D.C. Armory concerning Ringling</p> <p>5 Bros.-Barnum & Bailey where people handcuffed</p> <p>6 themselves to block the circus in any way?</p> <p>7 A I don't.</p> <p>8 Q If such had occurred on your watch, would you</p> <p>9 have known about it?</p> <p>10 A Yes.</p> <p>11 Q Do you remember approximately early '98 a</p> <p>12 tiger demonstration concerning Ringling-Bros. Barnum &</p> <p>13 Bailey?</p> <p>14 A In early 1998?</p> <p>15 Q Yes.</p> <p>16 A Yes.</p> <p>17 Q What was that about?</p> <p>18 A Well, in early 1998 -- it was January</p> <p>19 actually -- there were two horrible things that</p> <p>20 happened. One of them was Arnie, a tiger who was</p> <p>21 performing in Florida in the Ringling Bros. circus,</p> <p>22 attacked his trainer. And his name was I think</p>

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<p>1 Richard Shepperfield. His brother Graham shot the 2 tiger after he had been put in the cage, put back 3 safely in the cage. And while he was caged, Graham 4 Shepperfield shot him five times and killed him after 5 he had been caged. 6 And also that month, there was an elephant, a 7 baby elephant named Kenny who died after being forced 8 to perform while sick twice actually. There were 9 reports that the elephant was unable to walk. He was 10 shaky. He wasn't eating and drinking. He was 11 bleeding from his rectum. And these are all circus 12 reports. And then he finally collapsed and died, but 13 only after he was forced to perform twice. 14 So both of those things happened in January. 15 Ringling Bros. typically tours through Norfolk, 16 Virginia, which is where we were then in February, 17 usually early February. So that was that protest. 18 Q Now, leading up to that protest, were there 19 other incidents of violence to animals by Ringling 20 Bros. that were reported to PETA? 21 A Yes. Yes. 22 Q Did PETA get calls from time to time from</p>	<p>1 A Absolutely. 2 Q Did PETA have any other reason to demonstrate 3 against Ringling other than what you report about 4 violence and cruelty to animals? 5 A No. 6 Q Did PETA ever pay demonstrators to 7 demonstrate against Ringling? 8 A No. 9 Q When PETA demonstrated, other than the clown 10 demonstration where they tried to emphasize clowns and 11 making balloon things for the children, what did a 12 demonstration entail? You'd be lucky if 20 people got 13 there, but what did they do? 14 A Stood there with signs. For example, we had 15 one with a black outline of an elephant and the sign 16 said Time for Elephant Freedom, and handed out 17 leaflets to circus goers. 18 Q The signs, did PETA ever hold up any signs 19 that you felt were not truthful? 20 A No. 21 Q Did PETA ever give out literature that you 22 felt weren't truthful?</p>
Page 1221	Page 1223
<p>1 ex-Ringling employees or current employees who gave 2 information about potential violence against animals? 3 A Yes. 4 Q Did PETA get videotapes from various people 5 showing violence to animals? 6 A Yes. 7 Q I'm limiting myself to Ringling and Barnum & 8 Bailey. 9 Did PETA receive numerous reports that they 10 requested from the Department of Agriculture regarding 11 complaints about Ringling or inspections about 12 Ringling? 13 MR. PETROSINELLI: Your Honor, leading. It 14 calls for hearsay. 15 MR. HIRSCHKOP: It's not hearsay. They 16 either got them or they didn't. 17 THE COURT: Overruled. 18 A Yes. We -- we keep track of USDA reports. 19 BY MR. HIRSCHKOP: 20 Q Now, in all these matters, were they taken 21 into account in the demonstrations, in the continuing 22 campaign against Ringling?</p>	<p>1 A No. 2 Q As someone who deals regularly with the 3 press, what is your position on giving out untruthful 4 matters to the press about Ringling Barnum & Bailey? 5 A It's crucial that every bit of information we 6 give to the public and we release to the press is 7 accurate. And, you know, so much of what we have that 8 we hand out are USDA reports or sections of the USDA 9 reports where they talk about citations. 10 Q Go back to California before you joined PETA. 11 Did someone named Julie Lewis seek you out? 12 A Yes. 13 Q Is she the same Julie Lewis who was at PAWS 14 working for a while? 15 A She volunteered at PAWS. 16 Q She is the same Julie Lewis that went down 17 and volunteered at the Elephant Alliance also? 18 A Yes. 19 Q That Julie Lewis, how did she come to meet 20 you? 21 A I believe I met her at a conference in 22 California.</p>

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<p>1 Q Did you seek her out?</p> <p>2 A No. No. I was a speaker. I was an</p> <p>3 attendee, and she sought me out.</p> <p>4 Q And what happened after that? What did she</p> <p>5 tell you?</p> <p>6 A She told me that she was just new to this,</p> <p>7 and she was just a very staunch supporter of animal</p> <p>8 rights, and that she was raising a son, and she had a</p> <p>9 full-time job that brought her a lot of money. And</p> <p>10 because she had a full-time job, she was unable to do</p> <p>11 activism and instead wanted to do everything she could</p> <p>12 to support it financially and wanted to know if there</p> <p>13 was anything she could do to help me.</p> <p>14 Q About what year was this?</p> <p>15 A That was in '92.</p> <p>16 Q Did she disclose to you she had been in</p> <p>17 bankruptcy just a few years before that?</p> <p>18 A No.</p> <p>19 Q What did she tell you about pharmaceuticals,</p> <p>20 if anything?</p> <p>21 A She told me that she sold pharmaceuticals for</p> <p>22 a living.</p>	<p>1 in the early '90s?</p> <p>2 A I did.</p> <p>3 Q Did PETA have any control over PAWS?</p> <p>4 A No.</p> <p>5 Q From your knowledge of Pat Derby, is it</p> <p>6 possible anyone would have any control over her?</p> <p>7 A No. Only Pat Derby controls Pat Derby and</p> <p>8 PAWS.</p> <p>9 Q Did PETA have any control over The Elephant</p> <p>10 Alliance?</p> <p>11 A No.</p> <p>12 Q Did PETA have any control over In Defense of</p> <p>13 Animals?</p> <p>14 A No. Very separate groups.</p> <p>15 Q Do you know Dr. Elliott Katz who runs In</p> <p>16 Defense of Animals?</p> <p>17 A I do.</p> <p>18 Q Is it possible anyone could control him other</p> <p>19 than his own board?</p> <p>20 A No.</p> <p>21 Q Did PETA have control over any animal rights</p> <p>22 in the state of California?</p>
Page 1225	Page 1227
<p>1 Q Did she tell you she had actually been fired</p> <p>2 from her pharmaceutical company a few years before</p> <p>3 that?</p> <p>4 A No.</p> <p>5 Q What did she tell you about her interest in</p> <p>6 animal rights?</p> <p>7 A She just said that she had a very broad and</p> <p>8 very passionate interest in it and wanted just to know</p> <p>9 everything she could.</p> <p>10 Q After that, did she pursue you?</p> <p>11 A She did. She -- she kind of -- she just was</p> <p>12 everywhere. I mean she kept on me. She called me a</p> <p>13 lot. She always wanted to know what I was up to. So</p> <p>14 yes.</p> <p>15 Q This conference where you first met her, was</p> <p>16 that a PAWS conference?</p> <p>17 A Yes.</p> <p>18 Q What does PAWS stand for?</p> <p>19 A Performing Animal Welfare Society.</p> <p>20 Q Who is in charge of PAWS?</p> <p>21 A Pat Derby.</p> <p>22 Q Did you know Pat Derby fairly well back then</p>	<p>1 A No.</p> <p>2 Q Were there a great many demonstrations</p> <p>3 against the circus to your knowledge in the early</p> <p>4 '90s?</p> <p>5 A I don't know how many there were.</p> <p>6 Q Did you become aware of numerous</p> <p>7 demonstrations there?</p> <p>8 A Yes.</p> <p>9 Q Did PETA have anything to do with those</p> <p>10 demonstrations?</p> <p>11 A Not that I recall, no.</p> <p>12 Q Was PETA demonstrating against the circus</p> <p>13 basically on the East Coast and the middle United</p> <p>14 States?</p> <p>15 A Yes.</p> <p>16 Q When you found out Pat Derby was doing</p> <p>17 volunteer work for PAWS, what did she tell you about</p> <p>18 that?</p> <p>19 A Julie Lewis?</p> <p>20 Q Julie Lewis, yes.</p> <p>21 A Just that she was volunteering there. I</p> <p>22 think she said she was volunteering in their office.</p>

<p>Page 1228</p> <p>1 She was going to be helping them raise funds, that 2 type of things.</p> <p>3 Q Did she disclose to you she was really 4 working for a man named Richard Froemming?</p> <p>5 A No.</p> <p>6 Q Did she disclose to you Mr. Froemming was 7 paying her cash to do that?</p> <p>8 A No.</p> <p>9 Q Did she disclose to you that she was taking 10 financial documents from PAWS and giving them to 11 Richard Froemming?</p> <p>12 A No.</p> <p>13 Q Did she disclose to you she was being paid by 14 Mr. Froemming to seek you out and get information from 15 you?</p> <p>16 A No.</p> <p>17 Q Did there come a time when you went to the 18 Mirage Hotel in Las Vegas, Nevada?</p> <p>19 A Yes.</p> <p>20 Q Did Julie Lewis go?</p> <p>21 A Yes.</p> <p>22 Q What happened there?</p>	<p>Page 1230</p> <p>1 said, "Well, you know, my mom and my brother are here. 2 I would love to stay with them." And she said, "but I 3 thought you were staying with me." And she really, 4 like, overreacted to the point I thought it's not 5 worth all this. If she's this upset, I'll stay with 6 her. So I ended up staying in her room with her.</p> <p>7 Q Did you ever become aware that she had 8 recording equipment to privately record conversations?</p> <p>9 A No.</p> <p>10 Q Did you ever find out where she was privately 11 recording conversations of Pat Derby?</p> <p>12 A No.</p> <p>13 Q This demonstration at the hotel in Las Vegas, 14 what did it consist of?</p> <p>15 A There were a number of people holding signs, 16 many of which I handwrote. That was it. It was just 17 right there on the main drag there in Vegas.</p> <p>18 Q Are we talking about hundreds or thousands of 19 people?</p> <p>20 A No. If I had to guess at a number, I would 21 say -- I would say 40 or so maybe.</p> <p>22 Q Was it a totally peaceful demonstration?</p>
<p>Page 1229</p> <p>1 A I had organized a protest against the Mirage. 2 They had just brought in I think at the time it was 3 six dolphins and put them in what is equal for a 4 dolphin to a bathtub. It is just a very small pool.</p> <p>5 And I -- because I had worked at the Sea 6 Shepherd Conservation Society, dolphins were very -- 7 were of interest to me, and I organized a protest.</p> <p>8 And I knew Julie during that time. And she 9 again said if there's anything I can do. She was very 10 involved. She wanted to know everything that I was up 11 to in organizing this demonstration. So leading up to 12 it, she was kind of talking to me a lot, and then she 13 did go to it as well.</p> <p>14 Q When you got there, was anything unusual 15 about the hotel arrangements?</p> <p>16 A It was odd because when I got -- my mom and 17 my brother decided to come into Las Vegas from Los 18 Angeles to go to the demonstration. And of course, I 19 wanted to stay with them. And when I got there, when 20 I got to Vegas, I mentioned that to Julie, and she got 21 angry. And it was just a very odd response. And she 22 said, "I thought you were staying with me." And I</p>	<p>Page 1231</p> <p>1 A Yes.</p> <p>2 Q Now, prior to moving east, did you see Julie 3 Lewis any other times in California?</p> <p>4 A Yes. After I had gotten -- after I was hired 5 at PETA in '92, I went up north to the PAWS sanctuary, 6 because I was going to head east, and I didn't know 7 when I was going to be back again, so I went up north. 8 And again, I went with my brother and my mom. And 9 Julie was there as well.</p> <p>10 Q And this may be kind of a dumb question, but 11 I'm not sure all the jurors know the geographical 12 layout of California. Los Angeles is in the southern 13 part on the coast?</p> <p>14 A Yes. Los Angeles is in the south and Galt, 15 where the sanctuary is, is just north of Sacramento, 16 so it was a flight.</p> <p>17 Q And Sacramento is the central part, northern 18 central?</p> <p>19 A Northern, yeah.</p> <p>20 Q Is it a couple hours drive from San 21 Francisco, so inland?</p> <p>22 A Yes, inland.</p>

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<p>1 Q Were those the three major areas of</p> <p>2 demonstrating against the circus in the Sacramento,</p> <p>3 San Francisco Bay area and the Los Angeles?</p> <p>4 A I think so, yes.</p> <p>5 Q Now, in Sacramento, did you see Ms. Lewis up</p> <p>6 there?</p> <p>7 A Yes.</p> <p>8 Q What happened with the housing arrangements</p> <p>9 there?</p> <p>10 A Well, that was another odd situation, because</p> <p>11 we went up there, and I had talked to her that day.</p> <p>12 And she said, "When you get here, I am getting the</p> <p>13 rooms for you." I was staying in one room with my mom</p> <p>14 and my brother. And she said, "I'll get the rooms for</p> <p>15 you." She was staying at the same hotel.</p> <p>16 And we got up there. And instead of checking</p> <p>17 in, just going and saying we are here and getting our</p> <p>18 key, she was waiting outside. She said, "Don't worry,</p> <p>19 I've already gotten your key and gone to your room."</p> <p>20 And I remember at the time thinking that it was just</p> <p>21 one of those oddities. I just thought -- I didn't</p> <p>22 understand why we shouldn't check in and get our key.</p>	<p>1 A Yes. It was up in northern California. And</p> <p>2 it was either Pat Derby or Linda Nealon.</p> <p>3 Q Who is Linda Nealon?</p> <p>4 A She at the time was married to the comedian</p> <p>5 Kevin Nealon, and they volunteered a lot for PAWS.</p> <p>6 Q Is Kevin Nealon the one who used to be on</p> <p>7 Saturday Night Live?</p> <p>8 A Yes.</p> <p>9 Q Was Kevin Nealon at the time close to PETA?</p> <p>10 A Yes.</p> <p>11 Q Now, did you leave after that going-away</p> <p>12 party and move to the east to join PETA?</p> <p>13 A Yes. I had already been hired, and I moved</p> <p>14 in mid October '92.</p> <p>15 Q Did Julie Lewis follow you east?</p> <p>16 A She came not long after I got to the East</p> <p>17 Coast.</p> <p>18 Q And do you remember seeing her there?</p> <p>19 A Yes.</p> <p>20 Q Do you remember whether or not she tried to</p> <p>21 get clearance to Alex Pacheco, then the president?</p> <p>22 A Yes. She was trying to and did spend time</p>
Page 1233	Page 1235
<p>1 Q Thereafter, did you have a going-away party</p> <p>2 at your parents' house?</p> <p>3 A Yes.</p> <p>4 Q Was Julie Lewis there?</p> <p>5 A Yes.</p> <p>6 Q What did she do there?</p> <p>7 A She attended the party and videotaped the</p> <p>8 whole thing.</p> <p>9 Q During this whole period of time when she</p> <p>10 kept showing up socially, was she looking for</p> <p>11 information at all?</p> <p>12 A She was always asking about what was going</p> <p>13 on. When it was -- when I was organizing the Mirage</p> <p>14 demonstration for dolphins, she was always asking, you</p> <p>15 know, just about the various things, who is coming,</p> <p>16 what's going on, that type of thing.</p> <p>17 Q Without going into what was said, did there</p> <p>18 come a time when you got admonitions about Julie</p> <p>19 Lewis, to watch out for her?</p> <p>20 A Yes.</p> <p>21 Q Do you remember what people were concerned</p> <p>22 about, without going into what they said?</p>	<p>1 with Alex, who was the cofounder of PETA, yes.</p> <p>2 Q Do you remember her getting tickets for the</p> <p>3 Republican Convention for some reason for PETA?</p> <p>4 A I do. She got tickets to the Republican</p> <p>5 Convention. And she -- because she knew Kevin and</p> <p>6 Linda, she was also trying to get to Saturday Night</p> <p>7 Live and wanted to go with Alex.</p> <p>8 Q Now, I asked you before about PETA's control</p> <p>9 of groups in California. Does PETA have a listing of</p> <p>10 group contacts around the country?</p> <p>11 A Yes.</p> <p>12 Q Does that mean they control those groups?</p> <p>13 A No.</p> <p>14 Q Does PETA control the Humane Society of the</p> <p>15 United States?</p> <p>16 A No.</p> <p>17 Q Do you recognize that's one of the groups on</p> <p>18 the list?</p> <p>19 A Yes.</p> <p>20 Q Did PETA ever control the Fund for Animals?</p> <p>21 A No.</p> <p>22 Q Are these both major independent animal</p>

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1 rights groups?
 2 A Yes. People call us and say I want to be
 3 involved in animal protection in my area. And by
 4 having that list, we are able to tell them who they
 5 can get in touch with locally.
 6 MR. HIRSCHKOP: Fine. Nothing else.
 7 THE COURT: Cross-examination,
 8 Mr. Petrosinelli?
 9 MR. PETROSINELLI: Yes, Your Honor. Thank
 10 you.
 11 CROSS-EXAMINATION
 12 BY MR. PETROSINELLI:
 13 Q Good afternoon.
 14 A Hi.
 15 Q I think you testified that the protests that
 16 you've been involved in that you've seen were peaceful
 17 and lawful protests; is that right?
 18 A Yes.
 19 Q Isn't it true, ma'am, you've been arrested
 20 several times in animal rights protests?
 21 A Yes.
 22 Q In fact, you said you came to work for PETA

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1 in was it November 1992?
 2 A I was hired in September. I started I think
 3 probably close to November 1st.
 4 Q You were hired in September of 1992?
 5 A Yes.
 6 Q Isn't it true that you interviewed for that
 7 job with Ingrid Newkirk, the president of PETA, while
 8 the two of you were in jail together in Pennsylvania?
 9 A Yes.
 10 Q Ms. Newkirk and you were in jail and were in
 11 the same cell block; is that right?
 12 A Yes.
 13 Q You were in jail for 11 days on that
 14 occasion.
 15 A Yes.
 16 Q That's where she interviewed you for a job
 17 with PETA.
 18 A Yes.
 19 Q Before you were released from jail after
 20 those 11 days, you had a job at PETA.
 21 A I did.
 22 Q Then you went to work for PETA.

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1 A Yes.
 2 Q And you continued to get arrested from time
 3 to time at animal rights protests?
 4 MR. HIRSCHKOP: Your Honor, may I approach,
 5 please?
 6 THE COURT: Counsel approach.
 7 (Counsel approached the bench, and the
 8 following proceedings were held:)
 9 MR. HIRSCHKOP: Counsel knows that's entirely
 10 improper. If you want to impeach a witness for
 11 conviction of a crime of moral turpitude, she's never
 12 been convicted of a crime of moral turpitude.
 13 As far as the peacefulness of the
 14 demonstration, I very clearly asked her about
 15 demonstrations involving the circus. There are
 16 children at those demonstrations. And they do differ
 17 from other demonstrations. If he's going to open the
 18 door, it's totally prejudicial.
 19 MR. PETROSINELLI: Your Honor, it's not
 20 improper at all. You heard the testimony. He's
 21 trying to paint her as a peaceful, lawful person. I'm
 22 allowed to impeach her by saying at other

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1 demonstrations, at animal rights demonstrations, she
 2 was arrested. It's not like I'm trying to impeach her
 3 with some crime that had nothing to do with animal
 4 rights demonstrations. That would be improper.
 5 THE COURT: This is cross-examination.
 6 Counsel is allowed to ask her about things that she
 7 testified to. You can go into it on redirect if you
 8 wish.
 9 MR. HIRSCHKOP: I move for a mistrial.
 10 THE COURT: Denied.
 11 MR. HIRSCHKOP: It's classic to impeach her
 12 for a conviction of moral turpitude. I was very clear
 13 in my direct examination, only circus demonstrations.
 14 They differ from other demonstrations. If we are
 15 going to get into throwing red paint on coats at fur
 16 demonstrations, it's highly prejudicial. It's not
 17 something she did anyhow.
 18 MR. PETROSINELLI: I'm also done.
 19 (The bench conference was concluded.)
 20 BY MR. PETROSINELLI:
 21 Q Ms. Lange, I was asking you, you came to work
 22 for PETA and continued to get arrested from time to

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1 time at animal rights demonstrations, didn't you?

2 A I was arrested a few other times, yes.

3 Q You've been arrested at least a half dozen

4 times, haven't you?

5 A I don't know if I've been arrested a half

6 dozen times.

7 Q You mentioned in your direct testimony you

8 worked for the Sea Shepherd Conservation Society. Did

9 I get that right?

10 A Yes.

11 Q And that was the group you worked at before

12 you worked for the Animal Voice magazine?

13 A Yes.

14 Q And I think you testified that's an animal

15 rights group involved with marine animals?

16 A It's a marine mammal protection organization.

17 I'm not sure they would call themselves an animal

18 rights group.

19 Q That group advocates committing criminal acts

20 against people, doesn't it?

21 A I don't think so.

22 Q Isn't it true that one of the methods of that

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1 group is to ram other boats in the high seas in an

2 effort to sink them?

3 A I don't know. No.

4 Q Now, you testified about the protests that

5 you attended once you came to PETA at Ringling events;

6 is that correct?

7 A Yes.

8 Q Did you ever attend a PETA protest at a

9 Ringling event where PETA people chained themselves to

10 doors or otherwise tried to block or disrupt the

11 event?

12 A No.

13 Q Let me ask you to look at an exhibit.

14 I'm sorry, Your Honor. May I approach the

15 witness?

16 THE COURT: Sure.

17 MR. HIRSCHKOP: What number, Counsel?

18 MR. PETROSINELLI: 59.

19 A Do you want me to read this whole --

20 BY MR. PETROSINELLI:

21 Q You're welcome to read as much of it as you

22 want. I am going to ask you about the third page of

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1 the exhibit.

2 A Okay.

3 Q First, this exhibit has attached to it an

4 article from the Animals Voice magazine. Do you see

5 that?

6 A Yes.

7 Q Is that the magazine that you worked at?

8 A Yes, it is.

9 Q Was that immediately before you came to PETA?

10 A I worked at this magazine immediately before

11 I came to PETA, yes.

12 Q Take a look at the third page again. It's

13 under a heading called the Activists' Voice. Do you

14 see that?

15 A Yes.

16 Q Do you see on the far right column, the

17 bottom paragraph, there's a title that says Barnum &

18 Bailey boycott?

19 A Yes.

20 Q Do you see where it says in the second

21 sentence "People for the Ethical Treatment of Animals,

22 PETA, activists in Washington, D.C. dressed as circus

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1 clowns passed out fliers, while others chained

2 themselves together and blocked the animal entrances

3 to arenas before performances." Do you see that?

4 A I do.

5 Q Were you at that protest, ma'am?

6 A No. This is the Animal Voice magazine from

7 1990?

8 Q Correct.

9 A I didn't start at PETA until 1992.

10 Q Were you aware of that protest being reported

11 in the Animal Voice magazine?

12 A I don't remember. I wasn't even at the

13 magazine then.

14 Q Let me ask you to look at another exhibit.

15 It will be Plaintiff's Exhibit 815.

16 Ma'am, this is Plaintiff's Exhibit 815. I'm

17 going to ask you, you see it's dated on the first page

18 October 18, 1993.

19 A Yes.

20 Q By that time, were you at PETA?

21 A Yes.

22 Q In fact, that's the time period during which

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<p>1 I think you said to Mr. Hirschkop, between late '92 2 and mid '96, you were in charge of campaigns against 3 the circus? 4 A Yes. 5 Q Take a look at the page. You see the little 6 numbers on the bottom, Corp. 2299? 7 A Yes. 8 Q It says -- we have looked at this before in 9 this court. "Two female activists from PETA with 10 banners on sticks approached our elephants down by the 11 arena." And then I won't read it all again. But 12 towards the bottom it says, "Same two nuts come out in 13 the street. Start to poke sticks at the elephants. 14 Froemming physically removes them from the arena." 15 Now, were you at this protest in October of 16 1993? I think it refers earlier in the document to 17 being at a protest in Boston. Do you remember being 18 at that? 19 A Oh, in Boston, no. 20 Q Are you aware during your tenure at PETA of 21 PETA staging protests at the Ringling headquarters 22 over in Tysons Corner?</p>	<p>1 A No. I had been hired at PETA when I saw her 2 in northern California, and of course I was hired at 3 PETA when she came, yes. 4 Q In other words, you started at PETA in 5 November of 1992. 6 A But I was hired in September. 7 Q I understand. You started working there in 8 November. 9 A I did. I started volunteering for them 10 before that, though. 11 Q You said that you ran into Julie Lewis at a 12 conference; is that right? 13 A When I first met her, you mean? 14 Q Yes. 15 A Yes. 16 Q Now, isn't it true that you didn't see Julie 17 Lewis very often? 18 A That depends on what you consider often, but. 19 Q Well, ma'am, do you remember giving a 20 deposition in this case? 21 A Yes. 22 Q Let me hand you a copy of your deposition.</p>
Page 1245	Page 1247
<p>1 A I don't remember any specific protest there. 2 Q Were you aware, again in the time period that 3 you were at PETA in charge of the campaigns 4 department, of a protest that PETA planned at Ringling 5 headquarters where PETA arranged to pay people bail 6 money in advance because the plan was for them to get 7 arrested? 8 A No. 9 Q Are you aware that PETA dumped a truck load 10 of manure at Ringling headquarters? 11 A No. 12 Q Let me ask you some questions about Julie 13 Lewis, to follow up on some things that Mr. Hirschkop 14 asked you. You met her -- I missed the year in which 15 you met her. Was it 1991 or 1992? 16 A I'm not sure. I'm guessing it was the 17 beginning of '92. 18 Q So that was before you were working for PETA. 19 A Correct. 20 Q And all the interaction you testified to, 21 other than the time when you saw her at PETA 22 headquarters, was before you worked at PETA.</p>	<p>1 Do you remember giving a deposition in this case on 2 April 27, 2005? 3 A Yes. 4 Q Take a look at page 116 of your deposition. 5 A Okay. 6 Q Now, I want to ask you some questions because 7 you testified -- I took down a quote directly. You 8 said "Julie Lewis, she was everywhere." Take a look 9 at page 116 of your deposition where we were asking 10 about Julie Lewis. Did we ask you these questions and 11 did you give these answers? 12 "Question: When did -- what was the 13 nature of your relationship? Were you 14 friends? 15 "Answer: That's a hard one to answer. 16 I -- I wouldn't call us friends. 17 "Question: What would you call 18 yourselves? 19 "Answer: Acquaintances. 20 "Question: How often did you see her? 21 "Answer: Not very." 22 Is that the answer you gave?</p>

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1 A Yes, it is.
 2 Q Is that true?
 3 A I thought about it after this. I had these
 4 questions asked me at deposition. I thought about it
 5 later, and now I realize how many times I've seen her.
 6 Q I see. So when you gave this deposition less
 7 than a year ago in April 27, 2005, you hadn't thought
 8 about Julie Lewis in anticipation of getting asked
 9 about her at the deposition?
 10 A I hadn't thought about all the occasions I
 11 had seen her, no.
 12 Q So between now and then, you spent some time
 13 of course, with PETA's lawyer talking about it,
 14 haven't you?
 15 A I have met with Phil.
 16 Q You now remember more times you met Julie
 17 Lewis?
 18 A I remember the times I mentioned earlier in
 19 my testimony, but I did talk to her as well.
 20 Q You had forgotten those at the time you gave
 21 this testimony under oath in April of 2005?
 22 A Had I forgotten the things I mentioned here

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1 today?
 2 Q Yes.
 3 A No.
 4 Q Then why didn't you testify about them?
 5 A I wasn't asked about the specific times I saw
 6 her in my deposition.
 7 Q Well, let me ask you this. Because you just
 8 testified to a number of different specific
 9 conversations that you remember having with Julie
 10 Lewis; is that correct?
 11 A Yes.
 12 Q Look a little further down in your
 13 deposition. It starts at the end of page 116.
 14 "Question: And you had discussions with
 15 her.
 16 "Answer: Yeah."
 17 And then onto page 117.
 18 "Question: What did the two of you
 19 discuss?
 20 "Answer: I don't remember specifically.
 21 "Question: Generally what did you
 22 discuss?

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1 "Answer: I'm trying to recall. I mean,
 2 I cannot sit here and remember a specific
 3 conversation with her. So it's a little hard
 4 to think of what I spoke to her generally. I
 5 think we spoke of -- there are some marine
 6 mammals in captivity at a casino in Las
 7 Vegas."
 8 Do you see that?
 9 A Yes.
 10 Q And now you remember more conversations with
 11 Ms. Lewis?
 12 A I remember the times I met her. Do I
 13 remember specific conversations and exactly what she
 14 said to me? No, I don't.
 15 Q Well, you gave some testimony on direct
 16 examination that she said something to you about work
 17 with pharmaceuticals. Do you remember that?
 18 A Yes.
 19 Q And you gave some specific testimony here
 20 today about conversations she had with you about her
 21 son and money she wanted to give to organizations? Do
 22 you remember giving that testimony just a moment ago?

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1 A Yes.
 2 Q How come when we asked you what you discussed
 3 with her, you didn't tell us about that?
 4 A I must not have remembered it in April 2005.
 5 Q You also testified to some discussions you
 6 had with Julie Lewis about this protest at the Mirage
 7 Hotel?
 8 A Yes.
 9 Q You testified something about having a
 10 conversation about the hotel room that you thought was
 11 unusual; is that right?
 12 A Yes.
 13 Q Take a look at your deposition on page 122
 14 when we were asking you, less than a year ago, about
 15 your conversations with Julie Lewis about the Mirage
 16 Hotel. Are you at page 122?
 17 A Yes.
 18 Q "Question: And do you remember anything
 19 about any particulars of the conversations related to
 20 the Mirage protest with Julie Lewis? Answer: No."
 21 Do you see that testimony?
 22 A I do.

Page 1252	Page 1254
<p>1 Q Ma'am, isn't it true that Julie Lewis didn't</p> <p>2 do anything improper at all in your relationship with</p> <p>3 her?</p> <p>4 A I don't know.</p> <p>5 Q Isn't it true that as far as you know, Julie</p> <p>6 Lewis did nothing improper to PETA?</p> <p>7 A I don't know.</p> <p>8 Q Now, the time you testified a moment ago that</p> <p>9 shortly after you came to work for PETA, Julie Lewis</p> <p>10 came to PETA's offices. Was that -- PETA was in</p> <p>11 Rockville, Maryland?</p> <p>12 A Yes.</p> <p>13 Q And that's the one and only time you remember</p> <p>14 seeing Julie Lewis at PETA's offices.</p> <p>15 A Yes.</p> <p>16 Q You didn't give Julie Lewis any confidential</p> <p>17 information; is that right?</p> <p>18 A That is right.</p> <p>19 Q In fact, by that time I think you testified</p> <p>20 you had been told by someone, I think you said you had</p> <p>21 been warned about Julie Lewis; is that right?</p> <p>22 A Yes.</p>	<p>1 PETA?</p> <p>2 A I oversee the communications department, yes.</p> <p>3 Q Is it true that one of PETA's main objectives</p> <p>4 in fact is to get publicity?</p> <p>5 A Our main objective is to stop animal abuse,</p> <p>6 and in so doing we try to get publicity on some of the</p> <p>7 things, our campaigns, yes.</p> <p>8 Q Is one of PETA's main objectives to get</p> <p>9 publicity?</p> <p>10 A Yes.</p> <p>11 Q You report directly to Ingrid Newkirk, the</p> <p>12 president of PETA?</p> <p>13 A I do.</p> <p>14 Q Isn't it true that Ms. Newkirk has stated</p> <p>15 publicly, "Probably everything we do is a publicity</p> <p>16 stunt"?</p> <p>17 A I don't know.</p> <p>18 Q Isn't it true Ms. Newkirk stated publicly,</p> <p>19 "We are complete press sluts"?</p> <p>20 A I don't know.</p> <p>21 Q Are you aware of any personal animosity</p> <p>22 Ms. Newkirk has against Mr. Feld?</p>
Page 1253	Page 1255
<p>1 Q So at that point, there was no way you were</p> <p>2 going to give her any confidential information about</p> <p>3 PETA; is that right?</p> <p>4 A That's right.</p> <p>5 Q When Julie Lewis came in that one time to</p> <p>6 PETA's offices shortly after you started there, you</p> <p>7 basically said hi to her, and that's about it.</p> <p>8 A That's all I remember, yes.</p> <p>9 Q You testified about a going-away party that</p> <p>10 you had in California before you came back east. Is</p> <p>11 that right?</p> <p>12 A Yes.</p> <p>13 Q You testified that Julie Lewis, you recall</p> <p>14 her videotaping parts of that party?</p> <p>15 A Yes.</p> <p>16 Q She did that with your knowledge.</p> <p>17 A Yes.</p> <p>18 Q Right now you're the vice-president of</p> <p>19 communications for PETA?</p> <p>20 A I am.</p> <p>21 Q I think you testified you're basically in</p> <p>22 charge of dealing with the media and PR efforts of</p>	<p>1 A I am not.</p> <p>2 Q Are you aware that PETA has a copy of</p> <p>3 Ms. Newkirk's will posed on its website?</p> <p>4 MR. HIRSCHKOP: Objection, Your Honor. This</p> <p>5 is so far beyond the scope of direct.</p> <p>6 THE COURT: I sustain as to that portion.</p> <p>7 BY MR. PETROSINELLI:</p> <p>8 Q You testified on direct examination that PETA</p> <p>9 is not opposed to pets? Is that what you said?</p> <p>10 A Correct.</p> <p>11 Q Isn't it true that Ms. Newkirk has stated</p> <p>12 publicly that pet ownership is akin to fascism?</p> <p>13 A I don't know.</p> <p>14 MR. PETROSINELLI: I don't have any further</p> <p>15 questions.</p> <p>16 THE COURT: Redirect? Mr. Hirschkop?</p> <p>17 REDIRECT EXAMINATION</p> <p>18 BY MR. HIRSCHKOP:</p> <p>19 Q You were asked about the Hegins matter, when</p> <p>20 you were in jail?</p> <p>21 A Yes.</p> <p>22 Q What did you do in Hegins? Anything violent?</p>

<p>Page 1256</p> <p>1 A No. I held a banner.</p> <p>2 Q What was that all about, Hegins? Why were</p> <p>3 you there?</p> <p>4 A Every year on Labor Day, people of Hegins and</p> <p>5 around Pennsylvania would come into town and hold a</p> <p>6 pigeon shoot. They would take pigeons off the street</p> <p>7 or raise them for the shoot. They would put them in</p> <p>8 boxes and sprung them from boxes and shoot them out of</p> <p>9 the air. And then kids anywhere from ten to twelve</p> <p>10 years old, called trapper boys, would go and get the</p> <p>11 birds off the field. And those who hadn't died -- and</p> <p>12 the wounding rate was about 62 percent. So 62 percent</p> <p>13 of the animals were hurt and not killed outright. So</p> <p>14 the trapper boys would pull their heads off and throw</p> <p>15 them in the trash.</p> <p>16 Q These were children who were trained to kill</p> <p>17 animals with their own hands?</p> <p>18 A These were children who were trained to kill</p> <p>19 animals with their own hands. And the birds were shot</p> <p>20 by predominantly a drunk population of people.</p> <p>21 Q Did you do anything violent in that protest?</p> <p>22 A No. I held a banner.</p>	<p>Page 1258</p> <p>1 Q Did anyone tell you you couldn't do that?</p> <p>2 A No.</p> <p>3 Q What happened when you got down to the police</p> <p>4 station?</p> <p>5 A They were very nice. They wrote up</p> <p>6 something. I don't remember exactly what it was.</p> <p>7 They kept telling me, don't worry. It won't be long.</p> <p>8 Q Were all the charges dropped?</p> <p>9 A Yes.</p> <p>10 Q What happened at Mason Neck deer hunt?</p> <p>11 A This was a situation where I was on Mason</p> <p>12 Neck property, which is a wildlife refuge.</p> <p>13 Q Down next to my house?</p> <p>14 A Right, where people are allowed to go and</p> <p>15 look at wildlife. And on this day, if you were on the</p> <p>16 refuge without a permit to kill animals living on the</p> <p>17 refuge, evidently you would be arrested. And I was</p> <p>18 arrested for that.</p> <p>19 Q Was this the deer kill they have down at</p> <p>20 Mason Neck?</p> <p>21 A Yes.</p> <p>22 Q Did you do anything violent?</p>
<p>Page 1257</p> <p>1 Q After you were arrested, in point of fact was</p> <p>2 a suit brought, and the Pennsylvania Supreme Court</p> <p>3 outlawed that type of demonstration?</p> <p>4 A Yes. It's no longer going on.</p> <p>5 Q Now, you were asked about other arrests?</p> <p>6 A Yes.</p> <p>7 Q Tell the jury what happened with your Mother</p> <p>8 Goose arrest.</p> <p>9 A The Waldorf-Astoria was sponsoring a gourmet</p> <p>10 food event where they were serving and showcasing foie</p> <p>11 gras, which is made from shoving a metal pipe down the</p> <p>12 throats of ducks and geese to make their livers grow</p> <p>13 so large and quickly, and they often -- their throats</p> <p>14 often explode. Their livers often explode. It's a</p> <p>15 very, very violent procedure that has actually been</p> <p>16 outlawed in many countries. And I dressed as Mother</p> <p>17 Goose at the Waldorf-Astoria to protest the killing of</p> <p>18 ducks for foie gras. And I was arrested because I</p> <p>19 took one step up onto the Waldorf entrance.</p> <p>20 Q So you were on Park Avenue. You took one</p> <p>21 step on the steps leading into the Waldorf Hotel?</p> <p>22 A Yes.</p>	<p>Page 1259</p> <p>1 A No.</p> <p>2 Q Did you see a hunter?</p> <p>3 A I didn't even see a hunter. I was just on</p> <p>4 the property.</p> <p>5 Q You just walked off of Gunston Road onto</p> <p>6 Mason Neck, and they arrested you; is that correct?</p> <p>7 A Yeah. I didn't even have a sign or anything.</p> <p>8 Q In fact, have you ever been arrested for</p> <p>9 doing anything violent?</p> <p>10 A Absolutely not.</p> <p>11 Q Would you do anything violent?</p> <p>12 A No, absolutely not.</p> <p>13 Q Let's go back to talk about the circus now.</p> <p>14 Would you ever do anything violent when these animals</p> <p>15 were around, anything that would incite these animals?</p> <p>16 A These animals have it hard enough. We are</p> <p>17 there to try to draw attention to the things that are</p> <p>18 going on by the elephant trainers, the beatings that</p> <p>19 these animals are getting, the way they live their</p> <p>20 lives in chains. To hurt these animals, no one from</p> <p>21 PETA would ever do that. Absolutely not. That's</p> <p>22 contrary to our mission.</p>

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1 Q You were asked about whether Ingrid Newkirk
 2 hates Mr. Feld. Given what Mr. Feld's organizations
 3 do to elephants and tigers, the killings you've read
 4 about, the death of baby elephants, do you
 5 particularly like Mr. Feld either?
 6 A I don't like what he stands for. I don't
 7 like the abuse that he promotes.
 8 Q Now, you were asked about being in jail. In
 9 fact, do you recall that Ms. Julie Lewis wrote you and
 10 wrote Ingrid Newkirk while you were in jail in Hegins?
 11 A Yes.
 12 Q And you were asked about the Animals Voice
 13 document.
 14 MR. HIRSCHKOP: May I approach, Your Honor?
 15 THE COURT: Yes, sir.
 16 BY MR. HIRSCHKOP:
 17 Q 59. Do you happen to have that up there?
 18 A It's up here. Yes. Okay.
 19 Q You were asked about Barnum & Bailey boycott
 20 on the second page under the Activist Voice?
 21 A Yes.
 22 Q Do you know who wrote this?

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1 A I don't.
 2 Q Do you know if it's even true that they were
 3 PETA people who chained themselves?
 4 A I don't know.
 5 Q Do you know whether this information may have
 6 come from Mr. Froemming's sources?
 7 MR. PETROSINELLI: Objection, Your Honor.
 8 Leading. It's speculation.
 9 MR. HIRSCHKOP: If she knows, she would know.
 10 If she doesn't, she doesn't.
 11 THE COURT: She said she didn't know where
 12 it's from.
 13 A I don't know where it's from.
 14 BY MR. HIRSCHKOP:
 15 Q Let's turn over to the next page. It's the
 16 same column; right?
 17 A I think so, yes.
 18 Q It continues onto the next page. Go down
 19 right under the pictures, "What you can do," under the
 20 same column. Do you see that?
 21 A Yes.
 22 Q Read the first thing it says you can do.

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1 A Out loud?
 2 Q Yes, please, to the jury.
 3 A "Activist Holly Cheever, DVM, has the
 4 following advice on how to effectively protest a
 5 circus. Contact your mayor, senator and
 6 assembly-person and explain the hidden abuses, the
 7 cruelty of training methods, and the inappropriateness
 8 of displaying animal abuse for family entertainment."
 9 Q Would you stop there?
 10 A Yes.
 11 Q Do you know Holly Cheever?
 12 A I do. I've met her. I don't know her well.
 13 Q Is there anything wrong with writing your
 14 mayor, senator, assembly-person?
 15 A Not at all.
 16 Q Is this something PETA encourages people to
 17 do?
 18 A Absolutely.
 19 Q Okay. Continue reading.
 20 A "Send them circus literature available from
 21 PETA," and then it gives the address, the Performing
 22 Animal Welfare Society, gives the address, and the

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1 International Society for Animal Rights, and then it
 2 gives the address.
 3 Q Read the next thing.
 4 A "Obtain the Ringling Bros. film from PAWS
 5 which shows elephants being beaten, and the wounds
 6 inflicted on them."
 7 Q Is there anything wrong with that?
 8 A No.
 9 Q What's the next thing?
 10 A "Make appointments with local TV news
 11 stations a few days before the circus arrives and show
 12 them the film. PAWS" -- that's says, "See address
 13 above."
 14 Q Anything wrong with that?
 15 A No, not at all.
 16 Q What is the next thing?
 17 A "Prepare press kits for the major newspapers
 18 and TV newsteams and distribute them prior to your
 19 protest."
 20 Q Anything wrong with that?
 21 A No.
 22 Q What is the next thing?

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<p>1 A "Contact radio stations and give them 2 prepared statements regarding demos." 3 Q When they asked you about is PETA very press 4 conscious, is this the great majority of what PETA 5 does in their press consciousness? 6 A Yes. 7 Q You were asked about a Boston protest where 8 Mr. Froemming wrote a report that PETA people were 9 poking sticks. You've seen now some of the documents, 10 haven't you? 11 A Um-hum. 12 Q You actually saw in one of the releases under 13 the protective order so you could see documents, 14 didn't you? 15 A Yes. 16 Q In those documents, did you see things that 17 you knew to be outright lies by Mr. Froemming? 18 A Yes. 19 Q So is there any way we can believe when 20 Mr. Froemming assumes everybody is a PETA person, it's 21 true? 22 A Absolutely not.</p>	<p>1 Q Yes. 2 A I am now aware of that. 3 Q Did you actually see Julie Lewis's deposition 4 in the last several weeks? 5 A Yes. 6 Q Did that help you remember a number of facts? 7 A Yes. 8 Q Did you have Julie Lewis's deposition when 9 you were deposed? 10 A No. 11 Q Did you have an indication we had any idea 12 what her whereabouts were when you were deposed? 13 A No. 14 Q Did you know that she had written a letter to 15 Mr. Froemming a year before you were deposed? 16 A No. 17 Q And since you were deposed, have you seen a 18 number of documents, now that we've gotten the 19 unredacted copies? 20 A Yes. 21 Q And did those documents also help refresh 22 your recollection?</p>
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<p>1 Q Counsel asked you if you know about a manure 2 dump at Tysons Corner. 3 A Right. 4 Q Counsel failed to ask you if you knew about a 5 manure dump that his client testified happened in 6 Washington, D.C. Do you know anything about that 7 either? 8 A No. 9 Q Well, do you know if the manure dump was at 10 Tysons Corner or New Mexico Avenue in Washington, 11 D.C.? 12 A I don't know. 13 Q Lastly, you were asked about your 14 recollection about Julie Lewis. Are you aware they 15 didn't disclose to us Julie Lewis's whereabouts until 16 two months ago? 17 MR. PETROSINELLI: Your Honor, objection. 18 MR. HIRSCHKOP: I will rephrase the question. 19 BY MR. HIRSCHKOP: 20 Q Did you become aware that we first got to 21 depose Julie Lewis in December of 2005? 22 A Am I aware of that, you say?</p>	<p>1 A Yes. 2 MR. HIRSCHKOP: Thank you. Nothing further. 3 THE COURT: May the witness be excused? 4 MR. HIRSCHKOP: Yes, sir. 5 MR. PETROSINELLI: Subject to recall, Judge. 6 THE COURT: Subject to recall? 7 MR. PETROSINELLI: Yes. 8 THE COURT: Ms. Lange, you may be recalled as 9 a witness. If you will, please don't discuss your 10 testimony with anyone. Please have a seat in the 11 hallway. 12 MR. HIRSCHKOP: May we approach before she 13 leaves, Your Honor? 14 THE COURT: Counsel approach. 15 (Counsel approached the bench, and the 16 following proceedings were held:) 17 MR. HIRSCHKOP: Your Honor, this is something 18 counsel raised with me this weekend. Not about her 19 but about another witness. She lives in Los Angeles, 20 California. I was going to try to get her home. If 21 he's keeping her here to ask about the counterclaim, I 22 have no objection to his raising it now without any</p>

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<p>1 (At 5:02 p.m. the trial was recessed to 2 reconvene at 10 a.m., Tuesday, March 7, 3 2006). 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 CERTIFICATE OF REPORTER 2 I, Laurel P. Platt, do hereby certify that the 3 afternoon session of the foregoing proceedings was 4 taken by me in machine shorthand and thereafter 5 reduced to typewriting by means of computer-aided 6 transcription; that said proceedings are a true record 7 of the testimony given by said witnesses; that I am 8 neither counsel for, related to, nor employed by any 9 of the parties to the action in which these 10 proceedings were taken; and further, that I am not a 11 relative or employee of any attorney employed by the 12 parties hereto, nor financially or otherwise 13 interested in the outcome of the action. 14 Given under my hand this 8th day of March, 2006. 15 16 17 18 19 _____ 20 Laurel P. Platt, 21 Registered Diplomat Reporter 22</p>
Page 1301	
<p>1 CERTIFICATE OF REPORTER 2 I, Malynnda D. Whiteley, do hereby certify that the 3 morning session of the foregoing proceedings was taken 4 by me in machine shorthand and thereafter reduced to 5 typewriting by means of computer-aided transcription; 6 that said proceedings are a true record of the 7 testimony given by said witnesses; that I am neither 8 counsel for, related to, nor employed by any of the 9 parties to the action in which these proceedings were 10 taken; and further, that I am not a relative or 11 employee of any attorney employed by the parties 12 hereto, nor financially or otherwise interested in the 13 outcome of the action. 14 Given under my hand this 8th day of March, 2006. 15 16 17 18 19 _____ 20 Malynnda D. Whiteley, 21 Registered Diplomat Reporter 22</p>	