

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

FELD ENTERTAINMENT, INC.

Plaintiff,

v.

Case No. 07- 1532 (EGS)

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

Defendants.

**PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION TO TEMPORARILY STAY
ALL PROCEEDINGS**

EXHIBIT 3

Michael Markarian

Washington, D.C.

June 22, 2005

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

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 6 ----- X
 7 AMERICAN SOCIETY FOR THE PREVENTION OF)
 8 CRUELTY TO ANIMALS, et al.,)
 9 Plaintiffs,)
 10 v.)
 11 RINGLING BROS. AND BARNUM & BAILEY)
 12 CIRCUS, et al.,)
 13 Defendants.)

14 ----- X

15 Washington, D.C.
 16 June 22, 2005

ORIGINAL

17
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 19 Deposition of MICHAEL MARKARIAN, a witness
 20 herein, called for examination by counsel for
 21 defendant, taken at the offices of COVINGTON &
 22 BURLING, 1201 Pennsylvania Avenue, Suite 1100, on the
 23 22nd day of June, 2005, at 9:41 a.m. before Mary Ann
 24 Payonk, RPR, RMR, RDR, Certified Realtime Reporter and
 25 Notary Public.

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1 APPEARANCES:

2 ON BEHALF OF PLAINTIFF:

3 KATHERINE MEYER, ESQUIRE
4 MEYER GLITZENSTEIN & CRYSTAL
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8

9 ON BEHALF OF DEFENDANT:

10 JOSHUA D. WOLSON, ESQ.
11 COVINGTON & BURLING
12 1201 Pennsylvania Avenue
13 Suite 1100
14 Washington, DC 20004
15 (202) 662-6000

16

17 ALSO PRESENT:

18 Ellen Hebert, videographer

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

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

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

14 Q Was that a protest in Harrisburg?

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

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

22 A Yes.

23 Q On how many occasions?

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

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

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

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

11 MS. MEYER: Objection to the form.

12 BY MR. WOLSON:

13 Q You can answer.

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

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

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

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

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

23 Q Do you know what the receipt was for?

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

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1 allowed him to drive to -- to Denver.

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

4 A No, not to my knowledge.

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

8 A Not that I'm aware of.

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

14 A Yes.

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

19 A Yes, I do.

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

23 A Yes.

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