

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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AMERICAN SOCIETY FOR THE :
 PREVENTION OF CRUELTY TO :
 ANIMALS, et al., :
 Plaintiffs, : Case No. 03-2006 (EGS)

v. :

RINGLING BROS. AND BARNUM & :
 BAILEY CIRCUS, et al., :
 Defendants. :

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Washington, D.C.

Wednesday, May 18, 2005

Videotape Deposition of CATHY LISS, a
 30(b)(6) witness herein, called for examination by
 counsel for Defendants in the above-entitled matter,
 pursuant to notice, the witness being duly sworn by
 SUSAN L. CIMINELLI, a Notary Public in and for the
 District of Columbia, taken at the offices of
 Covington & Burling, 1201 Pennsylvania Avenue, N.W.,
 Washington, D.C., at 9:38 a.m., Wednesday, May 18,
 2005, and the proceedings being taken down by
 Stenotype by SUSAN L. CIMINELLI, CRR, RPR, and
 transcribed under her direction.

Page 2	<p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Defendants:</p> <p>4 JOSHUA D. WOLSON, ESQ.</p> <p>5 Covington & Burling</p> <p>6 1201 Pennsylvania Avenue, N.W.</p> <p>7 Washington, D.C. 20004</p> <p>8 (202) 662-5232</p> <p>9</p> <p>10 On behalf of the Plaintiffs:</p> <p>11 KIMBERLY OCKENE, ESQ.</p> <p>12 Meyer & Glitzenstein</p> <p>13 1601 Connecticut Avenue, N.W.</p> <p>14 Suite 700</p> <p>15 Washington, D.C. 20009-1056</p> <p>16 (202) 588-5206</p> <p>17</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 ELLEN HEBERT, Videographer</p> <p>21 MIKE SONGER</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 4
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	<p>1 EXHIBITS</p> <p>2 AWI EXHIBIT NO. PAGE NO.</p> <p>3 6 Plaintiff Animal Welfare Institute's 56</p> <p>4 responses and objections to defendants'</p> <p>5 first set of interrogatories</p> <p>6 7 String of emails from February 2004 84</p> <p>7 8 Comments AWI submitted to USDA 102</p> <p>8 9 Letter dated April 18th, 1991 from 117</p> <p>9 Sullivan</p> <p>10 10 News release titled Children of San Diego 127</p> <p>11 Speak Out Against the Use of Elephants</p> <p>12 in Circuses</p> <p>13 11 Memo dated July 29th, 1998 from Jones 128</p> <p>14 12 Document Bates numbered AWI 01618 173</p> <p>15 through 1623</p> <p>16 13 Letter from Ockene to Wolson 186</p> <p>17 14 Complaint dated September 26th, 2003 198</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	
	<p>1 THE VIDEOGRAPHER: This is the video</p> <p>2 deposition of Cathy Liss, taken by counsel for the</p> <p>3 Defendant in the matter of the American Society for</p> <p>4 the Prevention of Cruelty to Animals, et al. vs.</p> <p>5 Ringling Bros. and Barnum & Bailey Circus, et al. in</p> <p>6 the United States District Court for the District of</p> <p>7 Columbia, civil action 03-2006(EGS), held in the</p> <p>8 office of Covington & Burling at 1201 Pennsylvania</p> <p>9 Avenue, Northwest, Washington, D.C., on this date,</p> <p>10 Wednesday, May 18th, 2005 at the time indicated on</p> <p>11 the video screen, 9:38:18 a.m.</p> <p>12</p> <p>13 My name is Ellen Hebert and I'm the legal</p> <p>14 video specialist. The court reporter is Sue</p> <p>15 Ciminelli. We are employed by Alderson Reporting.</p> <p>16 Counsel will now introduce themselves and the parties</p> <p>17 they represent after which the court reporter will</p> <p>18 administer the oath to the witness.</p> <p>19</p> <p>20 MR. WOLSON: Josh Wolson from Covington &</p> <p>21 Burling on behalf of the Defendant, and with me is</p> <p>22 Mike Songer.</p> <p>23</p> <p>24 MS. OCKENE: Kimberly Ockene from Meyer,</p> <p>25 Glitzenstein & Crystal on behalf of the plaintiffs.</p> <p>Whereupon,</p> <p>CATHY LISS,</p>	

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<p>1 Q. Who was there from the ASPCA? 2 A. Lisa Weissberg. 3 Q. Who was there from Fund for Animals? 4 A. Mike Markarian. 5 Q. Anyone else? Not from the Fund in 6 particular, but was there anyone else in general 7 there? 8 A. Our counsel. 9 Q. Ms. Meyer? 10 A. Yes. 11 Q. Anyone else? 12 A. I don't recall who else was present. 13 Q. How long did that meeting last? 14 A. Couple hours at most. 15 Q. Are there any other occasions on which you 16 met Mr. Rider? 17 A. No. 18 Q. Does Mr. Rider ever work for AWI? 19 A. No. 20 Q. Has Animal Welfare Institute ever paid 21 Mr. Rider any money? 22 A. Yes. 23 Q. How much did they pay him? 24 A. Couple thousand dollars. 25 Q. When was that?</p>	<p>1 A. For him to do -- to speak at events. 2 Q. What events has he spoken at on behalf of 3 AWI? 4 A. He has never spoken on behalf of AWI. 5 Q. What events has AWI paid him to speak at? 6 A. We haven't paid him -- we paid his 7 transportation costs so that he could go to Atlanta, 8 for example, to speak. 9 Q. Okay. Tell me all the events for which 10 you paid his transportation costs so he could go 11 speak. 12 A. I couldn't tell you. It's not very many. 13 Q. What do you mean by not very many? How 14 many are we talking about? 15 A. Given that the -- it's \$2,000 for a hotel 16 and transportation, it doesn't go very far. Maybe 17 three. 18 Q. How did you decide when to, when to pay 19 for Mr. Rider's -- let me rephrase that. Has it been 20 at your request that Mr. Rider has gone to speak at 21 these events? 22 A. Yes. 23 Q. And why have you decided to ask Mr. Rider 24 to speak at these particular events? 25 A. They were in conjunction with appearances</p>
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<p>1 A. Over the course of five years. Roughly 2 from 2000 forward. 3 Q. Are you still making payments to him? 4 A. No. 5 Q. When was the last time you made a payment 6 to him? 7 MS. OCKENE: Objection to the 8 characterization that there were payments on some 9 schedule. 10 MR. WOLSON: I don't think I made that 11 characterization. 12 MS. OCKENE: I'm still objecting to the 13 form. 14 THE WITNESS: We have no plans to give him 15 additional moneys at this time. 16 BY MR. WOLSON: 17 Q. Well, my question was when was the last 18 time you made a payment to him? 19 A. At some point in 2005. I don't recall the 20 date specifically. 21 Q. So within the last four an a half months? 22 A. Yes. 23 Q. What were you paying him for? 24 A. For public education. 25 Q. What do you mean by public education?</p>	<p>1 of the circus and we thought it was important to 2 educate the public about what he observed. 3 Q. And when you say the circus, do you mean 4 specifically Ringling Bros.? 5 A. Yes. 6 Q. So you paid Mr. Rider's expense -- travel 7 expenses to go speak about Ringling Bros. in cities 8 where Ringling Bros. was performing? 9 A. That's correct. We contributed towards. 10 Yes. 11 Q. Was it always at your initiative that you 12 contributed towards it? 13 A. No. 14 Q. Whose initiative was it? 15 A. It might have been his, too. 16 Q. He approached you to ask you to 17 contribute? 18 A. Yes. 19 Q. Has he ever asked for anything more than 20 his travel expenses? 21 A. No. 22 Q. Is all the money that you paid him for 23 travel expenses? 24 A. Yes. 25 Q. On the times that you've reimbursed him,</p>

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1 are you, has it been only the Animal Welfare
 2 Institute that was paying for his travel expenses?
 3 A. To my knowledge. Yes.
 4 Q. You're not aware that you were sharing his
 5 expenses with some other organization?
 6 A. That's correct.
 7 Q. The first time that you paid Mr. Rider to
 8 do this, or reimbursed him to do this, was it after
 9 you filed this lawsuit?
 10 A. Yes.
 11 Q. Have you ever provided him with any
 12 nonmonetary compensation?
 13 A. No.
 14 Q. Does he make his own travel arrangements
 15 or do you make them for him?
 16 A. He does them.
 17 MS. OCKENE: Speak up a little bit.
 18 THE WITNESS: Pardon? Oh, sorry.
 19 BY MR. WOLSON:
 20 Q. Do you know if any other animal welfare
 21 organizations have provided similar reimbursements to
 22 Mr. Rider?
 23 A. I don't know.
 24 Q. You never discussed it with him?
 25 A. I imagine -- I don't know.

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1 Q. And the occasions that he has spoken where
 2 you've reimbursed him, the small number of occasions,
 3 have you discussed with him beforehand what he will
 4 say?
 5 A. No.
 6 Q. Have you discussed his travel plans with
 7 him at all?
 8 A. To a limited extent.
 9 Q. What is the extent of your discussion?
 10 A. Just confirming dates that he would be
 11 there and that would be it.
 12 Q. Does he submit you receipts before you
 13 reimburse him?
 14 A. No. And these aren't reimbursements. We
 15 paid him before he went.
 16 Q. You prepay his travel expenses?
 17 A. Yes.
 18 Q. Do you pay him or do you pay the -- do you
 19 prepay for instance the airline ticket?
 20 A. No. Well, he doesn't typically travel by
 21 air. This is --
 22 Q. Just as an example more than a specific,
 23 but I mean, do you pay the hotel directly or do you
 24 pay him?
 25 A. We pay him.

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1 Q. Well, that -- okay. Aside from confirming
 2 sort of logistical arrangements for him, have you had
 3 any other discussions about these speeches he is
 4 going to give or these appearances he is going to
 5 make?
 6 A. No. I mean, for one we prepared with our
 7 staff a press release, so that we did talk with him
 8 about it.
 9 Q. A press release on behalf of the Animal
 10 Welfare Institute?
 11 A. Yes.
 12 Q. Not on his behalf?
 13 A. On behalf of all the plaintiffs.
 14 Q. When was that?
 15 A. I believe that was a payment that was this
 16 year in Atlanta.
 17 Q. I guess I asked you about meetings with
 18 Mr. Rider and we talked about two, one in probably
 19 2000 or 2001 and one more recently. Have there been
 20 other, other than the times that you've talked to him
 21 about sort of his logistical arrangements for travel,
 22 have there been other conversations or communications
 23 with him?
 24 A. Only as plaintiffs.
 25 MS. OCKENE: Don't answer to the extent

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1 that any of these conversations reveal
 2 attorney-client privilege material.
 3 BY MR. WOLSON:
 4 Q. What's been the means of communication?
 5 A. Phone.
 6 Q. Conference calls? Is that a yes? You
 7 have to speak up.
 8 A. I'm sorry. There I go.
 9 Q. Okay. Have there been emails?
 10 A. No.
 11 Q. When you met with Mr. Rider for the first
 12 time, did he say whether he was employed?
 13 MS. OCKENE: Again, to the extent there
 14 was an attorney present or this involves
 15 attorney-client privilege material, don't reveal --
 16 MR. WOLSON: No, wait a minute. Whether
 17 or not he said he was employed has nothing do with
 18 whether or not there was legal advice given, or a
 19 request for legal advice.
 20 MS. OCKENE: If there was an attorney
 21 present in the context of this --
 22 MR. WOLSON: No, that is not the standard
 23 for attorney-client privilege, the presence of an
 24 attorney.
 25 MS. OCKENE: I'm instructing her not to