

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3 - - - - - X
4 AMERICAN SOCIETY FOR THE :
5 PREVENTION OF CRUELTY TO :
6 ANIMALS, et al., :
7 Plaintiffs, :
8 V. : Case No. 03-2006 (EGS)
9 RINGLING BROS. AND BARNUM & :
10 BAILEY CIRCUS, et al., :
11 Defendants. :

12 - - - - - X
13 Washington, D.C.
14 Tuesday, July 19, 2005
15 Videotaped deposition of LISA WEISBERG, a
16 witness herein, called for examination by counsel for
17 Defendants in the above-entitled matter, pursuant to
18 notice, the witness being duly sworn by MARY GRACE
19 CASTLEBERRY, a Notary Public in and for the District
20 of Columbia, taken at the offices of Covington &
21 Burling, 1201 Pennsylvania Avenue, N.W., Washington,
22 D.C., at 9:40 a.m., Tuesday, July 19, 2005, and the
23 proceedings being taken down by Stenotype by MARY
24 GRACE CASTLEBERRY, RPR, and transcribed under her
25 direction.

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1 MS. OCKENE: There is a mutual
2 understanding in this case. There is no written
3 agreement.
4 BY MS. DALTON:
5 Q. So generally speaking, what are your legal
6 duties? Sorry. Generally speaking, on your
7 day-to-day basis at the ASPCA, what part of those
8 duties involve providing legal advice?
9 A. Well, both with what the existing laws are
10 to protect animals, where legislation is needed,
11 certainly my review of the complaint in this case and
12 my recommendation that we become a co-plaintiff.
13 Again, specifically to New York law and
14 whether a specific situation that our humane law
15 enforcement officers may be investigating, and
16 whether the incidents surrounding that or the
17 circumstances surrounding that incident violate the
18 anticruelty statute.
19 Q. And your work in providing that advice is
20 separate to the ASPCA's legal department, is that
21 correct?
22 A. Yes.
23 Q. Who from the ASPCA is planning on
24 attending the July 21st fund-raiser that we've
25 discussed?

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1 A. As far as I know, I don't believe any
2 employee of the ASPCA. I don't know if any ASPCA
3 members are planning on attending.
4 Q. You referred to the vice president of
5 development?
6 A. Correct.
7 Q. And I'm sorry, I can't recall his name.
8 A. It's a woman, Jo Sullivan.
9 Q. So she's not planning on attending?
10 A. I don't know. I don't believe so. I
11 believe that there was some discussion about her and
12 Ed Sayres attending, but something came up that
13 requires I know Mr. Sayres to be in New York and
14 unable to attend. But I can't speak to Jo Sullivan.
15 Q. And your discussions with Jo Sullivan
16 regarding the invitation and the content of the
17 discussion at the fund-raising event did not include
18 who this additional former Ringling Bros. --
19 A. No, it was more just organizing the event
20 and getting the invites out to our high donors.
21 Q. Now, I'm going to apologize in advance
22 because I'm going to ask you to just recap with me --
23 and I know we've covered it in various parts of the
24 deposition, but I just want to make sure I understand
25 and have a full picture of it -- the various funds

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1 and the years that you provided funding to Tom Rider
2 and whether or not you provided that funding directly
3 or whether or not you've provided it through the
4 Wildlife Advocacy Project or at Meyer & Glitzenstein.
5 So I just kind of want to recap really briefly.
6 A. Okay.
7 Q. So if I remember correctly, you said that
8 the first year that any of this funding was provided
9 was in 2001, correct?
10 A. Correct.
11 Q. So prior to 2001, the ASPCA did not
12 provide any funding to Mr. Rider?
13 A. Correct.
14 Q. And in 2001, the funding was provided
15 through Meyer & Glitzenstein in the amount of
16 approximately \$7,400?
17 A. Correct.
18 Q. And was there any other direct funding
19 that year?
20 A. As far as I remember, no.
21 Q. And then in 2002, you said that you didn't
22 fund anything through the Wildlife Advocacy Project
23 but there were other payments to Mr. Rider that were
24 included in your regular payments to your attorneys,
25 Meyer & Glitzenstein?

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1 A. Correct.
2 Q. And then in 2003, you said that those
3 payments continued from January 3rd through May --
4 I'm sorry, January '03 to May '03, and those were
5 direct payments or indirect payments in 2003?
6 MS. OCKENE: I'm just going to object to
7 the use of the term payments. It's a
8 mischaracterization. You can answer.
9 THE WITNESS: Both. There were instances
10 where I would pay for his lodging on my corporate
11 credit card as well as reimbursing Tom Rider for the
12 expenses, living expenses he incurred or was going to
13 incur as advances.
14 BY MS. DALTON:
15 Q. So in 2003, it both would be indirect and
16 direct payments?
17 A. Correct.
18 Q. And then in 2002, you also had both
19 indirect and direct?
20 A. I believe they were indirect.
21 Q. All the ones in 2003?
22 A. No.
23 Q. I'm sorry, 2002?
24 A. Right.
25 Q. So I'm just going to summarize one last

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1 time to make sure we have it.
 2 A. Okay.
 3 Q. So 2001, you have payments that go to the
 4 ASPCA -- to your attorneys Meyer & Glitzenstein and
 5 then they provide funding through the Wildlife
 6 Advocacy Project?
 7 A. Right.
 8 Q. And there were no other reimbursements or
 9 any sorts of payments that you provided?
 10 A. As far as I remember.
 11 Q. And in 2002, there were indirect payments
 12 that went to Meyer & Glitzenstein but, to the best of
 13 your knowledge, the Wildlife Advocacy Project was not
 14 involved?
 15 A. Correct.
 16 Q. And there were no other direct
 17 reimbursements?
 18 A. Not that I remember.
 19 Q. And in 2003, there were both indirect
 20 payments through Meyer & Glitzenstein and other --
 21 A. No, not through Meyer & Glitzenstein.
 22 Q. So in 2003, there was just --
 23 A. It was either direct reimbursement to Tom
 24 Rider or I would put the charges on my corporate
 25 credit card. But having nothing to do with Meyer &

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1 Glitzenstein.
 2 Q. Since 2003, there have been no additional
 3 funds?
 4 A. Correct.
 5 Q. And since 2003, has Mr. Rider asked you
 6 for any money?
 7 A. No.
 8 Q. And when we were discussing captive
 9 breeding, you had mentioned that captive breeding
 10 efforts at zoos were helpful because they aided in
 11 the diversity of the gene pool, correct?
 12 A. Correct.
 13 Q. And is it your position that breeding at
 14 CEC does not add to the diversity of the gene pool of
 15 Asian elephants?
 16 A. I don't recall saying that.
 17 Q. I know you didn't. That's why I'm asking
 18 you.
 19 A. I don't know because I don't know how they
 20 run their breeding program.
 21 MS. DALTON: That's all I have.
 22 MS. OCKENE: I have some redirect. It's
 23 going to take me a second to get organized.
 24 MS. DALTON: Can we go off the record?
 25 THE VIDEOGRAPHER: Going off the record.

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1 The time is 16:01:28.
 2 (Recess.)
 3 THE VIDEOGRAPHER: We're back on the
 4 record. The time is 16:04:47.
 5 EXAMINATION BY COUNSEL FOR PLAINTIFFS
 6 BY MS. OCKENE:
 7 Q. I just have a few questions.
 8 A. Okay.
 9 Q. First, taking a look at Exhibit 3, it's
 10 the interrogatory responses.
 11 A. Okay.
 12 Q. And this is under interrogatory number 22
 13 and this is in reference to --
 14 A. What page is that?
 15 Q. 33. The grant for \$7,400 that you
 16 referred to earlier.
 17 A. Right.
 18 Q. And a moment ago.
 19 MS. DALTON: I'm sorry, you said on page
 20 33?
 21 MS. OCKENE: Yes, the grant to the
 22 Wildlife Advocacy Project that we've discussed
 23 several times.
 24 BY MS. OCKENE:
 25 Q. You indicated that you thought that money

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1 went through Meyer & Glitzenstein. Is that something
 2 you're certain of or could that money have also just
 3 gone to the Wildlife Advocacy Project?
 4 MS. DALTON: Object.
 5 THE WITNESS: I believe that it went
 6 directly to the Wildlife Advocacy Project.
 7 BY MS. OCKENE:
 8 Q. And turning to -- actually, I have another
 9 question on that. And you earlier stated that the
 10 funds that were provided to the Wildlife Advocacy
 11 Project were used to support Tom Rider's travel
 12 expenses, his media outreach efforts, his public
 13 education efforts?
 14 A. Correct.
 15 Q. Are you aware whether the money that went
 16 to the Wildlife Advocacy Project might have been used
 17 for other things other than simply for Tom Rider's
 18 efforts?
 19 A. I assumed it was for Tom Rider's efforts.
 20 Q. Do you know if it could also have been
 21 used to support Ms. Darcy Kemitz' position, for
 22 example?
 23 A. It may have been. It may have gone
 24 towards whatever salary she got working on behalf of
 25 the Project.

58 (Pages 226 to 229)