

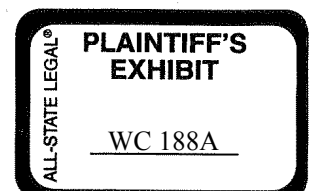
Plaintiffs' Designations of Deposition Testimony for Wildlife Advocacy Project
Rule 30(b)(6) Witness Eric Glitzenstein (Dec. 21, 2007)

Video Designations

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE :
PREVENTION OF CRUELTY TO :
ANIMALS, et al. :
 :
Plaintiff :
 :
vs. : Case No.
 : 03-02006
FELD ENTERTAINMENT, INC. :
 :
Defendant :

Washington, D.C.
Friday, December 21, 2007

Videotaped Deposition of:

THE WILDLIFE ADVOCACY PROJECT
Designated Representative
ERIC R. GLITZENSTEIN,

called for oral examination by counsel for
Defendant, pursuant to notice, at the offices
of Fulbright & Jaworski, LLP, 801 Pennsylvania
Avenue, N.W., Washington, D.C. 20004, before
Lynell C.S. Abbott, a Notary Public in and for
the District of Columbia, beginning at 9:32
a.m., when were present on behalf of the
respective parties:

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C O N T E N T S

WITNESS: ERIC R. GLITZENSTEIN

EXAMINATION BY: PAGE:
MR. GASPER 8

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2. The Wildlife Advocacy Project Transaction Detail by Account, 9/17/07, Attachment	22
3. "Quote for 1984 Volkswagen Vanagon"	122
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7. Letter, 11/25/03	144
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10. Memorandum, 2/13/02	173

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13. "Giving System Donation Tracking Report", Attachments 244

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14. Handwritten Memo, 5/6/05, Attachments 269

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15. Telephone Message Slip, 6/22/05, Attachment 270

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16. Copy of Check and Envelope 272

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18. Handwritten Note, "For Tom's Account" 275

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19. Letter, 7/11/06, Attachments 276

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27. E-mail, 11/5/03, Attachment 322

FEDER REPORTING COMPANY

(202) 863-0000 (800) 956-8996

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29. Wal*Mart Receipt 337

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1 receipts?

2 A. When we reviewed his receipts.

3 Q. When you reviewed his receipts in
4 connection with preparing for today?

5 A. No. I've seen that in the past
6 when we provided -- I've seen it when I've
7 gone over his receipts in the past.

8 Q. Have you had any discussions with
9 Mr. Rider, you or anyone at WAP -- have you or
10 anyone at WAP had any discussions with Mr.
11 Rider regarding his use of funds provided by
12 WAP to purchase DVDs?

13 A. No.

14 Q. Have you given Mr. Rider any
15 instructions, have you or anyone at WAP given
16 Mr. Rider any instructions as to what he could
17 or could not spend the money on?

18 A. We don't provide instructions. We
19 -- in fact, it's our understanding in dealing
20 with Mr. Rider that we are not to give him
21 instructions. These are grants that we
22 provide to him to carry out a project that we

1 have decided is consistent with the mission of
2 the organization.

3 We see the receipts in order to
4 assure ourselves and the people who are
5 providing funding that he's engaged in a good
6 faith, conscientious effort to carry out a
7 public education campaign. So we're not in
8 the business of giving him particularized
9 instructions as to how he spends the money.
10 But we do assure ourselves that he is, in
11 fact, engaged in a good faith public education
12 campaign. And that's basically how we have
13 interacted with him.

14 Q. How specifically do you assure
15 yourself that he is spending the money in a
16 way that is consistent with the organization's
17 mission?

18 A. Well, a couple of ways. First of
19 all, Ms. Meyer does have routine discussions
20 with him in order to understand what he's
21 intending to do and how he is intending to do
22 it. No. 2, perhaps the most important way is

1 basically what I would call a performance
2 standard, which is consistent with our view of
3 this kind of and related activities, and that
4 is we see what he's able to do.

5 We see that he has generated a
6 considerable amount of media over the course
7 of time. In my personal estimation, having
8 been a public interest advocate for many
9 years, he's generated an extraordinary amount
10 of media over the years, frankly, more so
11 than, again, based upon my involvement in this
12 public interest advocacy for many years,
13 high-priced media outfits.

14 And so I'd say our most important
15 way of evaluating it is just by seeing the
16 product, seeing that he, in fact, gets long
17 stories done. He convinces reporters to do
18 important pieces that shed light on abuses at
19 Ringling Brothers and the plight of circus
20 animals generally. And that is consistent
21 with the organizational mission.

22 And since it's consistent with the

1 organizational mission, it's clear to us that
2 as a whole he's doing what he says he's doing.
3 So that's, I'd say, perhaps the most important
4 way we assure ourselves that he's carrying out
5 what we hoped he would carry out and expect
6 that he would carry out.

7 I'd say the third way is by
8 reviewing receipts from time to time just in
9 order to make sure that our overall
10 understanding is consistent with what we see
11 in the receipts. And so when we see receipts
12 that show purchases of birch beer which he
13 drinks, van repairs which he needs to stay on
14 the road, gasoline purchases, eating food, and
15 yes, once in a while even watching a video,
16 that doesn't terribly disturb us as long as we
17 believe, which we do, that he is engaged in a
18 good faith, conscientious and, in fact, in my
19 estimation, Herculean public education
20 campaign.

21 Q. Is it WAP's understanding that Mr.
22 Rider incurs exactly the amount of money and

1 minutia would be inconsistent with the nature
2 of our relationship.

3 And so we have periodically asked
4 for receipts in order to evaluate whether he
5 is continuing to do what we think he should be
6 doing in line with the organizational mission.
7 And I assume that's what we'll continue to do.

8 Can I give you a specific
9 guarantee that we'll ask for the receipts for
10 that particular project according to a
11 particular schedule? No, I can't do that.

12 Q. How did WAP decide to send Mr.
13 Rider \$1,000 as opposed to a different amount?

14 A. That has been a function of our
15 understanding over the course of time as to
16 what he needs in order to survive while he
17 engages in the public education campaign and
18 so that he can pursue the public education
19 campaign. So it's a sense of what an
20 appropriate grant would be for someone who is
21 doing what he's doing, trying to be on the
22 road, the necessity to purchase gas when he's

1 on the road, the necessity to pay for food and
2 other life supporting activities. To some
3 degree it's been a function of the
4 availability of resources.

5 As you know from the materials
6 that we provided to you, we do have
7 individuals and organizations around the
8 country who are interested in supporting his
9 public education work because they believe
10 it's very important. And so to some degree
11 it's been a function of what we could provide
12 to him.

13 So I'd say it's a confluence of
14 what he needs in order to survive while he
15 does an activity we regard as quite essential
16 to the overall campaign on behalf of circus
17 animals and the availability of resources.

18 Q. Did Mr. Rider ever ask you to send
19 him \$1,000?

20 A. Mr. Rider has made it clear when
21 he needs funds in order to continue his
22 activities. On this particular one whether he

1 called up and said, you know, "I need \$1,000,"
2 I mean as you can see from these records, our
3 approach at least in the recent years has been
4 to, you know, generally provide, I think it's
5 generally been around \$1,000 every two weeks,
6 which has been our understanding with him as
7 to what he needs in order to survive while he
8 does his public education campaign.

9 Q. Mr. Glitzenstein, you testified
10 that this was based on some sort of evaluation
11 that WAP had conducted to figure out how much
12 money Mr. Rider would need to conduct the kind
13 of campaign you think he's conducting. Is
14 that right?

15 A. Yes.

16 Q. Did WAP review the expenses
17 incurred by anyone else conducting an
18 allegedly similar campaign?

19 A. I'm not quite sure what the word
20 "review" means. I can answer the question in
21 the following way: We are familiar with what
22 it costs to hire public relations firms. And

1 the amount we give to Mr. Rider is a pittance
2 compared to that. In our estimation, and
3 we've made this estimation based upon public
4 interest advocates over the years, the amount
5 of money we are giving to Rider relative to
6 the media that he's produced is an
7 extraordinarily cost efficient investment.

8 And so certainly relative to the
9 amount of money that one would spend on media
10 and public relations activities, it is our
11 sense that that is not only a reasonable but a
12 bargain, quite frankly, from that standpoint.
13 And the other thing I would say is that we
14 have worked with people in the past who have
15 engaged in similar kinds of activities, and my
16 sense is that we paid them more than we pay
17 Mr. Rider.

18 Q. I'm not sure results had anything
19 to do with the question. The question was did
20 WAP ever conduct an analysis of what it costs
21 someone to -- costs, not results, costs, what
22 it costs someone to conduct the same kind of

1 number of minutes that he spends. Given the
2 nature of our relationship with him, our
3 understanding is that he does what he can
4 reasonably do in order to contact reporters
5 and talk to reporters and make phone calls and
6 send e-mails.

7 You know, there's going to be a
8 limit to the number of things that you can
9 reasonably accomplish. If you call reporters
10 and they don't call you back, then there's a
11 limit to what you can do. You send e-mails
12 and they don't respond, there's a limit to
13 what you can do. Our understanding has always
14 been that he is engaging in a reasonable
15 effort. And in terms of the precise number of
16 time, I don't think we can say on a day-to-day
17 basis exactly how much time he's spending.

18 Q. Has WAP ever asked Mr. Rider
19 approximately how much time he's spent on
20 alleged media work?

21 A. Yes. And we have asked him to the
22 extent of understanding what he's doing with

1 his day, and he has always assured us that he,
2 every day he spends a significant amount of
3 time trying to contact media either in the
4 city where Ringling is and the objective of
5 this project has always been to have him in
6 that city as much as humanly possible.

7 When it hasn't been possible, then
8 our understanding is that he spends a
9 significant amount of time every day
10 attempting to contact media. And we wouldn't
11 be funding this if, in fact, we didn't think
12 that he was doing that.

13 Q. By significant amount of time,
14 what does that mean? Do you think Mr. Rider
15 is spending at least four hours a day on this?

16 A. My guess would be from everything
17 that I have seen and discussed with Ms. Meyer
18 and my oversight of the project as a general
19 matter, is that it varies, that some days will
20 be more fruitful than other days. And I think
21 that's the nature of the kind of undertaking
22 that he's doing.

1 Some days he'll probably spend ten
2 hours. If he happens to get an interview with
3 somebody and he talks to a reporter, he'll go
4 way past normal business hours. If he's
5 preparing for a meeting or a press conference,
6 he'll spend a significant amount of time
7 beyond what somebody would spend in a normal
8 workday. If he's making phone calls and
9 trying to send e-mails and getting no
10 response, he might spend significantly less
11 time.

12 I think, you know, the nature of
13 the activity that we are supporting is one
14 that doesn't always lend itself to knocking
15 off at a certain time or picking up at a
16 certain time. It involves doing what is
17 necessary under the circumstances to try to
18 generate media.

19 And my sense of that, both from
20 talking to him and my overall sense of a
21 public education campaign, is that that is to
22 some degree episodic and not entirely

1 consistent from one day or even one week to
2 the next.

3 Q. Does WAP know whether there have
4 been any weeks over the last three years in
5 which Mr. Rider has done zero media work?

6 A. Know that he's done zero media
7 work. I have never heard that. I wouldn't be
8 surprised if he took, like every other human
9 being on the planet -- he's been doing this
10 for quite a few years now. I wouldn't be at
11 all surprised if he took a couple of days off
12 to relax and regenerate like every other human
13 being has to do.

14 So if that were to be the case, I
15 wouldn't be surprised by it. It wouldn't
16 concern me as long as he was, again, as a
17 general matter, engaging in a good faith,
18 conscientious, strenuous public education
19 campaign, which is what we've always believed
20 he was doing. And we've heard and seen
21 nothing to suggest that he's not doing that.

22 Q. Does anyone at WAP know, and this

1 would include Ms. Meyer, whether or not Tom
2 Rider has ever gone an entire week without
3 doing any media work?

4 A. An entire week? I have never had
5 any discussion with Ms. Meyer about that.

6 Q. If we go back in time, when did
7 WAP first decide to begin providing funding to
8 Mr. Rider?

9 A. I think our initial discussions of
10 it were in the latter part of 2001. And I
11 think our actual funding of him began in 2002.

12 Q. Was WAP involved in discussions
13 with anyone trying to find funding for Mr.
14 Rider in May 2001?

15 A. WAP involved in discussions. I'm
16 not quite sure what you mean by "WAP involved
17 in discussions."

18 Q. Did WAP speak to anyone in or
19 about May 2001 about trying to find funding
20 for Mr. Rider?

21 A. I know there were discussions with
22 ASPCA during that period of time.

1 Q. What were those discussions?

2 A. Those discussions, which I think
3 were consistent with the general discussions
4 we were having at that time, were that Mr.
5 Rider was doing invaluable media work, that he
6 was an extremely effective, articulate and
7 credible public advocate for the elephants.

8 There was an understanding that
9 this overall campaign to do something about
10 the mistreatment of elephants in circuses
11 necessitated some kind of media campaign, in
12 part, to respond to media that was being done
13 and we anticipated would be done by Feld
14 Entertainment, and that since Mr. Rider had
15 already, I think at that time was already
16 engaged in rather extensive media activities
17 and had proven himself to be a very good
18 spokesperson on behalf of the elephants, that
19 it would be good to find a way to continue to
20 have him engage in that activity.

21 And he had already indicated his,
22 I think, desire to go on the road -- initially

1 it was a bus, later it was a van -- and travel
2 around and otherwise do media as best he
3 could. And so I think our discussions were
4 not that complicated, how do we support his
5 activities.

6 Q. Who from WAP participated in those
7 discussions?

8 A. At that time I think the most
9 direct participants would have been Katherine
10 Meyer and D'Arcy Kemnitz.

11 Q. Who from ASPCA participated in
12 those discussions?

13 A. I believe it was Lisa Weisberg.
14 And I believe at that time ASPCA also had a
15 D.C. office which has since closed, and I
16 think the person who worked at that D.C.
17 Office was involved. But I can't recall that
18 person's name.

19 Q. Did WAP discuss this subject with
20 AWI in or about May 2001?

21 A. My understanding is that WAP
22 discussed the matter with -- and I always get

1 obviously, all we can do is, I think, talk
2 about what our understanding is of the general
3 approach that we had. And there was, again,
4 there was a general agreement, including The
5 Wildlife Advocacy Project but also including
6 the ASPCA and other people involved in
7 supporting Tom Rider's activities, that we
8 would provide him funding to travel in order
9 to carry out his campaign.

10 So who was the organizations that
11 were involved in funding the campaign, and
12 when you say who in particular, I'm not sure I
13 can answer the question beyond that.

14 Q. The question was whose idea was it
15 for WAP to wire transfer money to Tom Rider
16 beginning on January 15, 2002?

17 A. The idea for funding Tom Rider
18 overall was an idea that I think I described a
19 little bit ago.

20 Q. Correct. That's not the question.

21 A. Yeah.

22 Q. The question is who decided that

1 this specific amount of money would come from
2 WAP as opposed to one of the other
3 organizations you've mentioned.

4 A. As opposed to -- I appreciate your
5 clarification. At a certain point there was
6 discussion of WAP being an organization that
7 would continue the activities that Mr. Rider
8 had been doing and had been funded, I think,
9 directly in part by ASPCA at some point during
10 2001.

11 He'd also gotten funding from some
12 other organizations. We'd seen what he was
13 able to do. And I think WAP made a suggestion
14 that it could serve as an organization that
15 would work with Mr. Rider in order to engage
16 in these activities. And so -- and I think
17 the Plaintiff groups, ASPCA, some of the
18 others, agreed that that would be an
19 appropriate way, given the organizational
20 mission of WAP to support his work.

21 Q. Did WAP discuss with AWI, ASPCA or
22 Fund for Animals whether or not the payment

1 should go through WAP to Mr. Rider so that
2 they did not become an issue in this case?

3 A. No.

4 Q. Do you know if anyone had those
5 discussions among the Plaintiff groups?

6 A. I can't talk about the other
7 Plaintiff groups. But I can say that WAP has
8 never been involved in those discussions. And
9 frankly, it wouldn't make a heck of a lot of
10 sense. But that was never a motivation. It
11 had nothing to do with that.

12 Q. Why then did ASPCA pay Mr. Rider
13 directly in 2001 and provide a grant to WAP
14 and then have money go from WAP to Tom Rider?
15 Why did ASPCA stop paying him directly?

16 MR. TRISTER: Do you know that
17 that's a fact?

18 THE WITNESS: I do know for a fact
19 the ASPCA stopped paying him directly. My
20 understanding has always been it was for
21 ASPCA's own organizational reasons, having to
22 do with their budgeting process. I never had

1 know that he had particular expenses that made
2 it important so that he could continue to do
3 what he was doing. That would change that
4 somewhat.

5 For example, if his van broke down
6 as it did repeatedly, because it was, I think
7 both of his vans were old and he'd have car
8 expenses. So occasionally there would be a
9 need to provide him additional funding in
10 order to get him back on the road. I think
11 some of the places that he would go to would
12 be more expensive than others.

13 I know when he went out to
14 California, whenever he was trying to stay in
15 the Los Angeles area because of the expense of
16 staying there, that would be somewhat greater.
17 So it would be a part a function of him
18 saying, you know, "I can't go back on the road
19 without some additional grant funds, grant
20 support."

21 Q. The funding every couple of weeks
22 that you mentioned, specifically, what was the

1 understanding in terms of how much money would
2 be provided every couple of weeks, as you
3 testified?

4 A. I think generally speaking it's
5 been about \$1,000 every couple of weeks. And
6 I think it may have varied somewhat. Over the
7 course of time, depending in part on increased
8 living expenses, gasoline has become more
9 expensive over the course of time, as he's
10 crisscrossed the country, as he's done on a
11 number of occasions and, again, it would
12 relate to the expenses for fixing his van. So
13 I think it's generally been, I think it's gone
14 up somewhat over the course of time as his
15 living expenses have gone up somewhat, but I
16 think it was we would generally provide him, I
17 think it was between 500 and 1,000 every
18 couple of weeks for the first couple of years.
19 And then for the last couple of years I think
20 it's generally been \$1,000 every couple of
21 weeks.

22 Q. Has Mr. Rider ever called WAP and

1 Q. The cities that are reflected both
2 in this ledger and on those letters, how are
3 they generally chosen?

4 A. My understanding is that Mr. Rider
5 chose them based upon the circus's activities
6 generally, not invariably, and that he
7 understood where the circus was traveling to.
8 He would make his best efforts to actually be
9 in that city in advance or roughly around the
10 same time as the circus was going to be there.

11 And that was the principal focus
12 of his schedule. But it would not always be
13 possible to be there. And sometimes he would
14 go to other locations for other reasons.

15 He has gone to testify on occasion
16 before state and local -- I think he went to
17 testify in Chicago on one occasion. He went
18 to Omaha to testify with respect to a state
19 bill that was pending before the Nebraska
20 legislature. I think he went to Boston in
21 connection with a press conference that he did
22 with a Massachusetts state legislator.

1 He has gone and done other media
2 events with some groups. He has spoken with
3 groups over the course of time. He went to
4 Pennsylvania, I know, to speak with a local
5 citizens group. I think he did an event out
6 in Los Angeles with a local group.

7 So sometimes, but not always, he
8 would choose cities based upon how it would
9 best serve the interests of the public
10 education and lobbying campaign he was doing
11 that were not the city that Ringling Brothers
12 was going to.

13 So I'd say that was the principal
14 basis on which he would select where he was
15 traveling to, but it was by no means the
16 exclusive basis. There would sometimes be
17 compelling reasons for him to go to someplace
18 else.

19 Q. So these entries, most if not all
20 were created by Leslie Mink. Is that correct?

21 A. The entries themselves were
22 inputted by Leslie Mink, right.

1 Q. Do you know what media work he was
2 doing in Florida at that time?

3 A. I do know that he, there was a
4 news report that was run out of Miami that he
5 was interviewed on TV. I can't recall whether
6 that was in 2005 or 2006.

7 Again, my understanding is that
8 frequently he will talk to reporters over the
9 course of time. And so if a news report shows
10 up six months later or a year later, it may in
11 fact be based upon work that he had done at an
12 earlier period of time.

13 So all I can reasonably assume is
14 that he was focusing his efforts on media in
15 connection with Miami, those locations. And I
16 do know for a fact that there has been media,
17 my recollection is that there was media done
18 in Florida that he generated. But I can't tie
19 it in specifically to that at this point.

20 Q. Then there's a series of entries
21 for Los Angeles, California, in January of
22 2006 through April 2006. In fact, it flips

1 that. But I think that we understand it to be
2 the same basic kind of contribution, which is
3 people supporting Tom Rider's media campaign.

4 Q. Who came up with the term "grant"
5 in connection with Tom Rider's payments?

6 MR. TRISTER: You are now talking
7 about the payments to Mr. Rider?

8 BY MR. GASPER:

9 Q. Payments from WAP to Mr. Rider.

10 A. I think it's always -- who came up
11 with it in the first place? I can't remember.
12 I think the reason why The Wildlife Advocacy
13 Project has found it to be an appropriate term
14 is because it characterizes the nature of our
15 relationship with him, again, in the nature of
16 him working, essentially on this activity out
17 there on the road. We understood from the
18 very beginning that we would not be exercising
19 day-to-day control over what he was doing and
20 that a grant, consistent with the
21 organizational mission, consistent with the
22 funding we were getting from other supporters,

1 other animal groups, other individuals
2 concerned about Ringling Brothers's treatment
3 of its animals, other circus animals, was that
4 a grant best described the nature of our
5 relationship with him.

6 So I can't tell you precisely
7 where the word originated from. But I think
8 we've always regarded it as an appropriate
9 terminology, given what we understand grant --
10 and if I could add something else about that.
11 It's consistent with how our organization has
12 approached other kinds of projects as well as
13 my general understanding of the grant world.

14 Q. Did WAP at any time consider tax
15 implications of calling it a grant?

16 A. We considered our own tax
17 implications.

18 Q. And what were those?

19 A. That we would do 1099's for him.

20 Q. In calling it a grant, was the tax
21 implication of the word "grant" considered as
22 opposed to another term?

1 that's where he would be at that point in
2 time.

3 Q. Do you know how Mr. Cuviello got
4 the checks to Mr. Rider?

5 A. No.

6 Q. Of the checks that have been sent
7 over the years -- let's go to in the last
8 year, how many of the checks to Mr. Rider have
9 been sent to the State of Florida?

10 A. Over the last year,
11 chronologically, you are going back from now?

12 Q. Correct.

13 A. Again, my understanding is that
14 for at least the last couple of months that's
15 where he has been because he hasn't been able
16 to travel. So I think for that period of time
17 they were all sent there. Earlier in the year
18 I think he was traveling around, and so we
19 were sending him checks to where he was going.
20 I mean, again, I can't tell you the precise
21 numbers.

22 Q. Why can't Mr. Rider travel over

1 the last few months?

2 A. I think he's been having van
3 problems, it's my understanding, is that he
4 needs to get the van fixed. I think also my
5 understanding is that he's been traveling less
6 because the circus has not been out on the
7 road during this period of time. And so more
8 of his media work has been concentrated in him
9 making phone calls, doing e-mails, and
10 reaching out to media that way.

11 Q. And we're talking about the period
12 of October 2007. Is that your understanding?

13 A. I don't recall precisely how long
14 he's been down in Florida. I mean that's
15 roughly consistent with what I understand, but
16 I don't know exactly.

17 Q. In 2006, do you know approximately
18 how many checks were sent to the State of
19 Florida?

20 A. No.

21 Q. Who would know?

22 A. I'm not sure anybody would.

1 and I think he has fielded phone calls from
2 her. But I can't say for sure.

3 Q. Earlier this morning you mentioned
4 news stories in Las Vegas, Nevada in the
5 summer of 2007. Is that right?

6 A. Yes.

7 Q. Did Mr. Rider initiate those news
8 stories?

9 A. In my view, you're getting
10 dangerously close to the line of asking for
11 our specific media strategies. But I'll
12 answer subject to that.

13 Q. I'm not asking for the strategy.
14 I'm asking the question did Mr. Rider cause
15 that media story to happen.

16 A. Asking exactly how Mr. Rider dealt
17 with reporters is asking for our media
18 strategy.

19 Q. I'm not asking how he caused it to
20 happen. I'm asking whether or not Mr. Rider
21 caused that story to happen.

22 A. My understanding is that Mr. Rider

1 was instrumental in that story happening and
2 that he was prominently featured.

3 Q. Did Mr. Rider make the initial
4 contact?

5 A. I don't know exactly who made the
6 initial contact.

7 Q. I believe also this morning you
8 discussed that Mr. Rider had a proven ability
9 of generating media results. Is that correct?

10 A. Yes.

11 Q. And that was true at the time of
12 May of 2001. Is that correct?

13 A. That was true in the 2001-2002
14 time frame.

15 Q. What was that based on, that in
16 May 2001 Mr. Rider had a proven ability to
17 generate media results?

18 A. I actually brought one of the
19 documents that I happened to look for in
20 preparation of the deposition that we turned
21 over to you which I think helps answer that
22 question. Is it okay if I --

1 Q. It's a document that has been
2 produced in this case?

3 A. It's a document that's been
4 produced. It's an itemization of media that
5 he had done. And I think it actually very
6 effectively answers what we were looking at
7 when we decided to embark on this project. So
8 I'd be happy to provide that to you.

9 Q. Prior to May of 2001?

10 A. I think it covers that entire time
11 frame, yes. Can I --

12 Q. Does it have any notes on it?

13 A. It has nothing, it hasn't changed
14 at all from what was produced to you. It
15 actually has a Bates number in the corner.

16 Q. That's fine. You can take a look
17 at it. Before you do, Mr. Glitzenstein, let's
18 just have the court reporter mark it.

19 (Marked, Exhibit # 8, "Television"
20 Document.)

21 THE WITNESS: Unfortunately, I
22 didn't make copies.

1 BY MR. GASPER:

2 Q. What's the Bates number?

3 A. It's 222 -- unfortunately, it
4 looks like 223 got cut off, but it's 222, 223,
5 224, and 225.

6 So I don't know if you're ready
7 for me to proceed.

8 Q. Mr. Glitzenstein, this has now
9 been marked as Exhibit 8. It's the document
10 you brought with you this morning.

11 The question, sir, is at May 2001
12 on what basis did WAP conclude that Mr. Rider
13 had a proven ability to generate media
14 results?

15 A. Yeah, and I think as this document
16 reflects, it encompasses the entire period
17 around May, some of them are June, some of
18 them are May 18th, 2001, Channels 19, 25 and
19 31, Peoria story, May 24, 2001, "Former
20 Trainer Alleges Elephant Cruelty at Circus,"
21 WISC-TV, Madison, Wisconsin. It's got a
22 website. March 30th, 2001, "Circus Suit,"

1 WPIX-TV, New York, New York.

2 May 30th, Harrisburg Patriot from
3 Pennsylvania, refers to that one. March 30th,
4 2001 has a New York Daily News story. It's
5 got many of them from June, around the same
6 time frame.

7 So if I can summarize from this
8 document, we didn't have to guess. We knew
9 that he was extremely capable of engaging in a
10 public education campaign.

11 Q. Is there anything prior to May
12 2001 other than the two March 30th articles
13 that you mentioned that led to that
14 conclusion?

15 A. I think there were, but I can't
16 recall.

17 Q. And did Mr. Rider generate these
18 news stories?

19 A. I believe he either generated them
20 or was instrumental in making them happen.

21 Q. Do you know if he generated them?

22 A. Could you define what you mean by

1 specifically who communicated with PETA at
2 that time.

3 Q. Do you know whether Ms. Meyer
4 spoke to PETA about this donation?

5 A. I don't know.

6 Q. Do you know whether any of the
7 Plaintiffs spoke to PETA about this donation?

8 A. No.

9 Q. With respect to Animal Welfare
10 Institute, sir, what we've been referring to
11 as AWI, this shows that the first payment from
12 AWI would be in February 2004. Do you see
13 that?

14 A. Yes.

15 Q. How did that donation come about?

16 A. There were discussions with the
17 various groups and I think particularly with
18 Cathy Liss at that point about continuing to
19 keep Tom out on the road doing his public
20 education activities. And AWI believed
21 strongly that Tom should continue to do that.

22 I believe we submitted a formal

1 grant proposal. I think we provided that to
2 you in the document production. And Cathy
3 Liss and AWI reviewed the proposal, looked at
4 the material that we provided in coordination
5 with that and believed that it was an
6 appropriate activity for AWI to support.

7 Q. You said that various groups were
8 approached. Did that include The Fund for
9 Animals?

10 A. I believe there were discussions
11 with The Fund for Animals about supporting
12 Tom's work, yes.

13 Q. In late 2003, early 2004 --

14 A. I'm sorry. Go ahead.

15 Q. No. Finish your answer.

16 A. That's okay. I'll wait for your
17 question.

18 Q. In late 2003 or early 2004, other
19 than AWI and The Fund for Animals, did WAP ask
20 anyone else for contributions?

21 A. I mean it's hard for me to recall
22 specific time frames. I think we've given you

1 donor. But generally speaking, how does WAP
2 identify potential donors for Tom Rider?

3 A. I do think that gets to our media
4 strategy and involves our strategy for funding
5 the activity. But speaking in general terms,
6 Tom Rider meets people while he's on the road.
7 Several of the people he's met have been
8 extremely impressed with him and have wanted
9 to support his activities. And so some of the
10 recurrent donations we've gotten have been
11 from individuals that he's crossed paths with.

12 Frankly, we have not had much time
13 as probably we would have liked to engage on
14 our own fundraising and we would like,
15 frankly, to do more of that. I think that
16 what we do is look for organizations and
17 individuals who believe in doing something
18 about the mistreatment of elephants and have a
19 record of being concerned about elephants.

20 I think all the organizations,
21 including the ones you know about that Judge
22 Sullivan said we could withhold, are

1 organizations that are concerned with elephant
2 treatment and mistreatment. They know about
3 Feld's and Ringling Brothers's systemic
4 mistreatment of the elephants, and they want
5 to do something about it.

6 So we occasionally learn that
7 those people are out there. Sometimes Mr.
8 Rider tells us. Sometimes we learn about that
9 independently. And when we have been able to,
10 we have contacted those people and called upon
11 our collective interests in changing what we
12 think is a deplorable circumstance for these
13 animals, and asked them if they'd be willing
14 to contribute to that.

15 Q. How many organizations, sir, other
16 than the Plaintiffs in this case, has WAP
17 spoken to about the possibility of funding Tom
18 Rider?

19 A. I assume by spoken to, you mean
20 any kind of communication.

21 Q. Contacted in any form.

22 A. Okay. I would say four or five.

1 Q. Sir, these reports reflect various
2 donations on or about October 24th, 25th, 26th
3 and 27th of 2007. Do you see that?

4 A. Yes.

5 Q. And I'm not asking you why they
6 were made, but does WAP understand why this
7 series of donations were made?

8 A. Why I think they were made,
9 because people around the country believe
10 strongly that the situation involving Ringling
11 Brothers's treatment of its elephants should
12 change. I think Mr. Rider's public education
13 activities have been successful in
14 communicating to people how deplorable the
15 conditions are.

16 There are people around the
17 country who believe that something should be
18 done about it. This was a mechanism for
19 continuing to fund Tom Rider's activities that
20 people avail themselves of who are concerned
21 about that issue.

22 Q. Does WAP know what prompted or

1 know about that. If I don't feel like I know
2 about that, I'll go in and say, you know, "Can
3 we recap what Tom is focusing on at this point
4 in time." So it's a recurrent discussion that
5 we have, but there's no precise timetable for
6 it.

7 Q. On average, has it happened at
8 least once a month?

9 A. On average, it's happened I'd say
10 more often than that.

11 Q. Twice a month?

12 A. At least.

13 Q. Describe each thing that WAP looks
14 at to consider or evaluate whether Mr. Rider
15 is conducting, as you called it, a legitimate
16 education campaign.

17 A. Well, the principal thing we look
18 at is whether media is being generated that he
19 is involved with in some fashion, whether he's
20 made the initial phone call, whether he has
21 had a discussion with the reporter, whether he
22 is featured in the story, as he frequently is.

1 We look at whether or not media is being
2 generated, which is the same way we would I
3 think primarily evaluate any public relations
4 activity that's undertaken.

5 Anybody who hires a public
6 relations firm would look first and foremost
7 at does the public relations firm generate any
8 media and actually at one point -- we've had
9 experience with big public relations firms
10 that spent a lot more money and generated a
11 lot less media. So that's certainly something
12 that we highly value.

13 And beyond that, we would look at
14 whether there seems to be a relationship
15 between where he's going and what he's doing,
16 and the ongoing generation of media. And we
17 would form that kind of a judgment based upon,
18 I'd say overall, our collective 50-plus years
19 of experience doing public interest advocacy
20 work.

21 Q. How specifically does WAP find out
22 if media has been generated?