

1 A. I had experience working with dolphins.

2 Q. And so when you initially started out at
3 Shamu, did you start out as an associate trainer?

4 A. I was transferred as a senior trainer.

5 Q. So, you didn't have to go through those other
6 steps?

7 A. I did not.

8 Q. But, you did have to learn about the killer
9 whale species?

10 A. That's correct.

11 Q. And, as part of your training, again, you
12 were provided with a manual, a Shamu Stadium manual?

13 A. That's correct.

14 Q. And, when you started at Shamu, were you
15 given what's known as the Tili Talk?

16 A. That's correct.

17 Q. What is the Tili Talk?

18 A. A member of management would speak to you in
19 regards to Tilikum, talking about his history of
20 trainers working with him in the water; that you need to
21 be aware of where he is in the Shamu Stadium area, which
22 pool he's in, you need to be safe and so forth.

23 Q. And, they provide you with that information
24 because Tilikum had been involved in two prior deaths,
25 correct?

1 A. That's correct.

2 Q. And, when they provided the Tili Talk to you,
3 they actually informed you of the two deaths that
4 Tilikum was involved in, correct?

5 A. Correct.

6 Q. And, they also informed you if you found
7 yourself in the pool with Tilikum, you might not
8 survive; is that correct?

9 A. They explained it to us as he didn't have a
10 history of understanding of conditioning of having
11 trainers in the water with him. So, they did not know
12 basically the outcome of what would happen.

13 Q. They didn't know or that you might not
14 survive?

15 A. There is a possibility that you could not
16 survive, yes.

17 Q. When you started at Shamu Stadium, you also
18 received what's called an orientation checklist. Do you
19 remember that?

20 A. Yes.

21 Q. And that checklist is suggested information
22 that an animal trainer should learn, correct?

23 A. The orientation checklist that we had was
24 considered a task list which was to help any trainer
25 coming into the area to see and learn what was helpful

1 for them to become proficient in the area.

2 Q. And it contained three pages about the
3 various topics that an animal trainer should learn?

4 A. Possibly, yes.

5 Q. Some of that information was required and
6 other of that information was suggested, correct?

7 A. Possibly, yes.

8 Q. I'm going to show what has been marked --

9 MS. HOWARD-FISHBURNE: This is Tab 26, Your
10 Honor, out of the exhibit book. We're going to mark
11 this for identification as C-5.

12 **(Whereupon Complainant's Exhibit C-5 was marked**
13 **for identification and entered into the record)**

14 MS. HOWARD-FISHBURNE: Your Honor, may I
15 approach the witness?

16 JUDGE WELSCH: Yes.

17 MS. HOWARD-FISHBURNE:

18 Q. Ms. Schaber, do you recognize that document?

19 A. I do.

20 Q. This is the orientation checklist that we
21 were just discussing?

22 A. This is at the time of the update, the day of
23 the talk, this was the one we were currently using.

24 Q. Is it similar to what you received as an
25 animal trainer when you started at Shamu Stadium?

1 A. It's somewhat similar. I wouldn't remember
2 exactly what it looked like in 2005.

3 Q. You said you didn't know what was different;
4 is that what you said?

5 A. I do not remember exactly what is different.

6 Q. But, generally speaking, there were
7 recommended topics for you to go over; is that correct?

8 A. Yes.

9 Q. And, those recommended topics that a trainer
10 had to go over, that would have been the Tilikum safety
11 protocol?

12 A. The safety protocol would be required for any
13 of the trainers to learn and read.

14 Q. But, specifically, Sea World emphasized that
15 trainers had to learn about Tilikum in the Tili Talk,
16 correct?

17 A. They provide written information.

18 MS. HOWARD-FISHBURNE: Your Honor, we would move
19 to have C-5 admitted.

20 JUDGE WELSCH: Let me ask, is this orientation
21 checklist in C-5 strictly for Tilikum, or is it for all
22 the whales?

23 THE WITNESS: This is for the Shamu Stadium.
24 It's for any trainer that comes in to help them learn
25 the aspects of the area.

1 JUDGE WELSCH: I guess I'm somewhat confused on
2 the date. I see two updates on there. One update says
3 October 2009, and then over on the right-hand side,
4 there is an update of 11/30/2010. Do you know whether
5 or not this orientation checklist was in effect in
6 February of 2010?

7 THE WITNESS: It was in effect, that's correct.

8 JUDGE WELSCH: That's the checklist that was
9 being used by the trainers?

10 THE WITNESS: That's correct.

11 JUDGE WELSCH: In February of 2010?

12 THE WITNESS: Yes.

13 JUDGE WELSCH: Any objection, Ms. Gunnin?

14 MS. GUNNIN: No objection.

15 JUDGE WELSCH: C-5 is admitted without
16 objection.

17 **(Whereupon Complainant's Exhibit C-5, previously**
18 **marked, was admitted into evidence)**

19 MS. HOWARD-FISHBURNE:

20 Q. So, Ms. Schaber, this document is a document
21 that all the trainers would receive if they worked at
22 Shamu?

23 A. Most likely, yes.

24 Q. And, as a trainer completed a particular
25 task, they just checked it off?

1 A. It just depended on what management wanted.

2 Q. You don't have to go through a specific
3 approval process to work with Tilikum?

4 A. The approval process, I'm not sure --
5 basically, any trainer approved to work with any whale
6 came from management; whatever their process was.

7 Q. And, that was the process -- in order to be
8 approved to work with Tilikum, you had to go through a
9 process of approval; is that correct? You couldn't just
10 decide on your own as an animal trainer?

11 A. That's correct. Management decides.

12 Q. And, management decides that the most
13 experienced trainers worked with Tilikum; is that
14 correct?

15 A. They just made their decision as to who
16 worked with Tilikum. Most of the time it was
17 experienced trainers, yes.

18 Q. And, you were considered an experienced
19 strainer; is that correct?

20 A. Yes.

21 Q. And, you were approved to work in close
22 proximity with Tilikum despite having a Tili Talk which
23 said that Tilikum had problems with possessing; is that
24 correct?

25 A. I'm sorry, could you repeat the question?

1 Q. Despite being told when you first started at
2 Shamu Stadium, that Tilikum was possessive of objects if
3 they fell into the water, you were approved to work in
4 very close proximity with Tilikum; is that correct?

5 A. I was approved to work with Tilikum based on
6 the Shamu Stadium procedures, yes.

7 Q. And, that approval allowed you to be as close
8 to the point where you could actually touch Tilikum; is
9 that correct?

10 A. We had approval to use tactile with Tilikum,
11 yes.

12 Q. When you say, "we," who are you talking
13 about?

14 A. The approved trainers.

15 Q. I was asking about you. You were approved,
16 correct?

17 A. I was approved, yes.

18 Q. The approval that you had to actually engage
19 in performances with Tilikum, when you arrived at work,
20 you were assigned what performance you would actually be
21 involved in for that particular day?

22 A. Management decided how the day was, based
23 upon the animals and trainers, yes.

24 Q. So management would decide what trainers
25 would be involved in what particular performance?