

1 What is the career progression for that?

2 A. Would you like me just to talk about the
3 levels, or would you like to know kind of what's encased
4 in each level?

5 Q. If you could, describe the level and what
6 would require you to be able to go up to the next level?

7 A. Okay, so when a person first comes in,
8 they're called an apprentice trainer, associate trainer
9 -- it's changed a lot over the years -- their basic
10 responsibility at that point in time if they're at Shamu
11 Stadium is to learn how to care for the area.

12 Their responsibilities are learning opening
13 and closing procedures, learning about the whales, being
14 able to identify them, learning about show support,
15 things like setting the buckets, breaking the show back
16 down, lines, any kind of gating activity or support
17 around spotting, being out around the pool, watching
18 over guests; those types of things.

19 That level usually takes a minimum of a year,
20 and during that time, they are also working with their
21 coaches, and they're learning the basics of behavior,
22 like in the terminology aspect, asking a lot of
23 questions.

24 So, during a show, it wouldn't be uncommon
25 for me to come up next to a new person and say, "Hey, so

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1 did you see this? What do you think about this? This
2 is how this behavioral term applies in this situation";
3 just kind of watching. They're doing a lot of watching
4 and learning that way, learning through talking,
5 learning through reading material, reading all our
6 manuals, reading books on behavior, reading the animal
7 profiles, and then seeing how those things actually work
8 together.

9 That's about a year. The next level is
10 trainer level, and at that level, the expectation would
11 be to take those things that they have been learning
12 about and begin to start applying them with leadership
13 and guidance.

14 At this point, we typically will take that
15 person and assign them an animal team. And, again,
16 that's done with the six of us. We talk about it, and
17 we will take that person and what we have learned about
18 them in that first year and what we know about our
19 whales, and we'll take them and put them with an animal
20 that we feel is the best pairing, and where they'll
21 begin building a relationship with that animal and
22 learning how to apply all the things that they've been
23 talking about.

24 That will be where they will be side by side
25 with somebody. They will be mentored, they will be

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1 coached, they will be critiqued. Every little bit of
2 their interaction with the whales they will be walked
3 through. It's not uncommon for me to take a person and
4 say, "Hey, this is Katina. This is how you ask her to
5 line up, this is how you do this," taking them and
6 really being right there, right with them, talking to
7 them.

8 In that time, they'll also start training
9 behavior, actually shaping behavior from ground zero all
10 the way to completion. And, again, that's done with
11 their coaches, with the leadership team. They learn how
12 to write out a behavior plan. They're actually putting
13 into practice all the things that they have learned.

14 The next level is the senior trainer level.
15 At that level, the expectation would certainly be that
16 they would be able to shape behavior on their own, and
17 they may even begin to interact with naive animals at
18 that point. And, again, any time they're starting
19 something new, like interacting with a naive animal,
20 that would be highly mentored, highly coached. As
21 they're doing the things that they've learned in their
22 trainer level, then the coaching becomes less intense
23 and more just watching and then giving feedback, not so
24 side by side but more letting them practice, letting
25 them take those things that they know and do them over

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1 and over and over.

2 JUDGE WELSCH: What is the time between trainer
3 and senior trainer? How much training?

4 THE WITNESS: Usually, about a year and a half.
5 Those are minimums, sir.

6 JUDGE WELSCH: If I understand, what did you
7 mean by when you called it a naive animal?

8 THE WITNESS: Like a baby, an animal who knows
9 nothing. Ever once in awhile during my career, we've
10 gotten whales in from other marine life parks.
11 Typically, those animals have a lot of learning to do or
12 relearning.

13 So, teaching those animals the very basics of how
14 to learn, what our learning process is. It's one thing
15 to teach an animal how to do a bow that already knows
16 how to learn. It's a whole other issue to teach an
17 animal how to come over and touch your hand, how to
18 start the learning process and how to enjoy learning.
19 And, it's really fun. It's the part I like the most, I
20 think, is work with the naive animals.

21 But, that is a little bit more of a refined skill
22 set and so when you go out -- and we have a whale named
23 Katina. She's been with us a really long time, she's a
24 very experienced animal. So, when you're working with
25 her and you're new, she has a lot of grace for you. She

Jenny Mairot

1 has trained more trainers than you can even imagine.
2 So, she understands the learning process, and she
3 understands how to work with people that are kind of new
4 and maybe a lot of mistakes.

5 When you're working with a baby, they don't know
6 the learning process. They don't have any ground work.
7 So, it's kind of the difference between working with
8 someone in a grad program versus kindergarten.

9 BY MS. GUNNIN:

10 Q. Ms. Mairot, you have done a good job of
11 explaining up to senior trainer which is where we are?

12 A. Okay.

13 Q. If you could carry that on to the next level
14 of senior trainer, how many years and what that job
15 would be like?

16 A. I believe it's a year and a half -- it might
17 even be two -- but, then, the next level is Senior 1.
18 In that level you're certainly expected to be able to
19 shape behavior on your own, to be able to problem solve,
20 be very proactive in behavioral management.

21 At that point, your skill set is very
22 refined, and you will also be doing coaching newer
23 trainers, leading them through, teaching them the basics
24 of behavior, having influence and input over how that
25 skill set is coming along for newer trainers, definitely

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1 taking the lead roles in shows. Your showmanship should
2 be at an extremely level, interacting with other
3 departments so that your people skills should be
4 refined, your behavioral skills should be refined, your
5 showmanship skills. It's basically a place where that's
6 the crew that you're watching to see if they're ready
7 for the leadership roles. They should be ready, they
8 should be kind of in the wings waiting to take that next
9 step.

10 JUDGE WELSCH: From senior trainer to Senior
11 Trainer 1?

12 THE WITNESS: I think it's a year and a half,
13 sir. I could be a little bit off on these time frames.

14 JUDGE WELSCH: Am I understanding you correctly,
15 a Senior Trainer 1, are they the only ones that actually
16 take the lead in the shows?

17 THE WITNESS: No, sir. That is a person that
18 you would expect could step into any role in the show at
19 any time. Their skill set is --

20 JUDGE WELSCH: Typically, if I went to a show,
21 a typical show, who would be or do you have a role or
22 does Sea World have a role as to what the level is of
23 the person that's doing the show; putting on the show?

24 THE WITNESS: Yes, we do have some rules
25 concerning that, and I would make sure my terminology

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1 isn't confusing you. When I say a lead role, what I
2 meant is that's a person that I would say, "I can put
3 you in the show at any point in time, and you can handle
4 it," no matter if the whales are doing great or if the
5 whales are not doing great, you can work any whale at
6 any point, any time.

7 So, that's a person that their skill set is so
8 strong that they have enough things to pull from, they
9 can adapt to anything. Does that make sense? It
10 doesn't mean somebody else can't play that role. They
11 just may need more coaching going into it, or you may
12 look at it and go they're learning how to do that, they
13 did everything right, but their showmanship wasn't that
14 great. So, I may have to go back and coach that.

15 JUDGE WELSCH: Let me just ask you this way.

16 THE WITNESS: Sure.

17 JUDGE WELSCH: Would there ever be a situation
18 where an associate trainer would take the lead in the
19 show?

20 THE WITNESS: No, sir; no, sir.

21 JUDGE WELSCH: Would there ever be a situation
22 where a trainer would take the lead in a show?

23 THE WITNESS: They would be able to learn the
24 different parts of the show, but they would not be
25 running the show, and I think that's where my

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1 terminology might have gotten you a little confused. A
2 lead is always running the show.

3 JUDGE WELSCH: There's one person that is
4 running the show?

5 THE WITNESS: In charge.

6 JUDGE WELSCH: And that's the lead person.

7 THE WITNESS: Right.

8 JUDGE WELSCH: And, then, you have spotters and
9 other people who might be around the pool?

10 THE WITNESS: Yes, sir.

11 JUDGE WELSCH: Okay, I'm only focusing on the
12 person that's doing the lead part of the show.

13 THE WITNESS: That's where I got you confused
14 and I'm sorry. Let's go back.

15 When we go out to do a show, there's always an
16 assistant supervisor or above participating in the show.
17 So, there's always Dave, Kristin, Brian, Daniel, myself
18 or Craig, every single show, and we are in charge.
19 We're in charge. It doesn't matter who's doing what
20 part, we are in charge.

21 If I'm taking a person who is a trainer level and
22 I'm going to say, in our current show, there's a part
23 called side-by-side for a girl, and it's kind of the
24 heart of the show. It's a real emotional part, it
25 drives the show. You have to really be able to pull it

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1 off.

2 So, I'm going to take a person who is a trainer
3 level and teach them how to do that. At first, they're
4 going to fumble. Their showmanship is not going to be
5 too strong, they're going to be concentrating so much on
6 that, they're not going to have the whole package.

7 But, after they're through their trainer level and
8 they hit that senior, they're going to keep getting
9 better and better and better. By the time they hit that
10 Senior 1, I should be able to go, "You're in," and I
11 don't even have to blink that you've got it wrapped up.
12 I'm still watching. I'm still in charge and I'm still
13 ultimately making the calls and responsibility, but that
14 person's skill set has taken them to a level that
15 they're able to do that.

16 JUDGE WELSCH: For the record, what do you mean
17 by "side by side"?

18 THE WITNESS: Side-by-side is just the name of
19 a show sequence that we have in our show.

20 JUDGE WELSCH: Can you describe the sequence?

21 THE WITNESS: Yes, it's the part where there's
22 a female trainer with an adult whale, and then either a
23 male or female trainer with one of the calves, and the
24 music, talks all about how we work side by side, how we
25 interact and live side by side, and they do the

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1 sequence. It's very all together. Things are working,
2 the trainers are very in synchronicity, the whales are
3 in synchronicity, so it's just a segment of our show.

4 JUDGE WELSCH: I understand, I'm just trying to
5 get --

6 MS. GUNNIN: I think what the Judge -- if you
7 don't mind, Judge.

8 JUDGE WELSCH: No, go ahead.

9 BY MS. GUNNIN:

10 Q. I think what the Judge might be trying to
11 understand is where the whales and the trainers and how
12 is that interaction going on? They're at the
13 side-by-side. If you could determine, where is --

14 A. They're at the slide-out.

15 Q. And, if you could describe what the slide-out
16 is?

17 THE WITNESS: Have you ever seen our pool.

18 JUDGE WELSCH: I have seen pictures. I know
19 what you mean by slide-out.

20 THE WITNESS: It's the part near the audience
21 that is the shallow part where we can stand. So, it's
22 in the middle of the main show pool, and sort of looks
23 like a dock but it has some water that we can stand in.

24 BY MS. GUNNIN:

25 Q. So, the trainers are in the slide-out?

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1 A. The trainers are in the slide-out.

2 Q. And where are the killer whales?

3 A. Right at the edge of the slide-out and moving
4 around the pool as we direct them to.

5 THE WITNESS: I'm sorry for getting you
6 confused.

7 JUDGE WELSCH: I get that a lot.

8 BY MS. GUNNIN:

9 Q. I think you walked through Senior Trainer 1.
10 What would the next level be?

11 A. The next level is lead. And, at that point,
12 you have session two around where you can be left
13 responsible for the area, and so you have all that skill
14 set and that's the point where you can open and close
15 the area on your own.

16 Q. Now, with regard to the reading materials
17 that you mentioned, what are the reading materials that
18 new trainers read, and are there materials that trainers
19 read yearly?

20 A. Yes. We have department manuals and area
21 manuals that people are required to read, and they
22 contain assorted information. Some of it is very basic
23 like what your uniform is, and what you need to show up
24 to the park in and leave the park in, clothing, and some
25 of it is very specific, like animal profiles would be

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1 this those manuals.

2 We would also have different types of
3 protocol, safety protocol would be in those manuals.
4 How to do certain things like open the stadium, close
5 the stadium, all those procedures. Those would be found
6 in those manuals, and the trainers are required to read
7 them.

8 MS. GUNNIN: Judge, may I approach the
9 witness?

10 JUDGE WELSCH: Yes.

11 BY MS. GUNNIN:

12 Q. Ms. Mairot, I'm going to show you what has
13 been marked as an exhibit and entered into this case,
14 and I'm going to direct your attention to C-1 and ask if
15 you can identify that?

16 A. This?

17 Q. Yes.

18 A. This is the animal training SOP, Sea World of
19 Orlando.

20 Q. Is that one of the manuals that you were
21 testifying about?

22 A. Yes, ma'am.

23 Q. Is that required reading for all trainers at
24 Shamu Stadium?

25 A. Yes, ma'am.

Jenny Mairot

1 Q. How often do the trainers read that manual?

2 A. Annually.

3 JUDGE WELSCH: Was that in effect at the time of
4 Ms. Brancheau's accident?

5 THE WITNESS: Yes, sir.

6 BY MS. GUNNIN:

7 Q. I'm going to direct your attention to
8 something that's been marked as Exhibit C-5.

9 A. Would it be possible for me to get my
10 glasses?

11 Q. Absolutely.

12 A. I have them in my purse. I'm so sorry.

13 Q. I should have asked you before. I apologize.

14 A. What am I looking at?

15 Q. This is what's been labeled as Exhibit C-5.

16 A. Okay.

17 Q. Can you identify that?

18 A. This is an orientation checklist that we
19 would give to a new person when they would come into our
20 stadium.

21 Q. And, there's lots of the checkoffs to that.

22 If you could just describe to the Judge, what
23 does what mean? How does that work for a trainer?

24 A. Okay, when a trainer is coming into our
25 stadium, we know in advance that they're coming, and the

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1 leadership team and I will sit down, and we will decide
2 on a coaching team.

3 A coaching team is comprised of two or more
4 Senior 1's, a lead is above them, and I oversee all the
5 coaching teams and Craig oversees me.

6 This particular document would be something
7 that the coaches would print out and have ready for the
8 person when they come in on the first day. As you can
9 see, there are very specific goals for the very first
10 day that they're there. Most of that is safety-related,
11 and we would go over each of those items and begin their
12 orientation to the stadium.

13 Q. Ms. Mairot, before we leave C-5, just one
14 question about that. That was a long list, the
15 checklist. Was that all done in one day?

16 A. Oh, no, ma'am. Can I go back?

17 Q. Yes.

18 A. I believe it's even broken down on here. It
19 has day one, the new hire opening. It says week one,
20 post week one, educational information. This will take
21 time. This is something that -- I mean, even these
22 class requirements, this could take months to do all
23 this. The only thing is the stuff on day one, that's
24 done the first day.

25 Q. Can the trainer simply check off by

Jenny Mairot

1 themselves that they have done these things?

2 A. No, ma'am. Their coach has to do it, yes.

3 Q. And, if you could turn now --

4 JUDGE WELSCH: Would this have to be completed
5 -- I assume you're talking about what you call the
6 associate trainers come in when they're first hired.

7 THE WITNESS: Yes, sir.

8 JUDGE WELSCH: Does this have to be completed
9 before they move from the associate trainer to the
10 trainer position?

11 THE WITNESS: Sometimes, sir, somebody will
12 come into our area that is already a level higher.
13 Like, they may come in as a trainer level or from
14 another area, so in that case, obviously, not.

15 The expectation -- if you came in as a brand new
16 trainer, the expectation would certainly be that these
17 would be completed before your promotion, yes.

18 JUDGE WELSCH: But, even somebody coming in,
19 let's say, from another park already at the trainer
20 level, do they still have to complete this checklist?

21 THE WITNESS: Oh, yes, sir. They just may move
22 through things quicker because of their experience; but,
23 yes, they would have to do all these things, absolutely.

24 BY MS. GUNNIN:

25 Q. Ms. Mairot, if you would turn to Exhibit C-7.

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1 A. Okay.

2 Q. If you could identify what has been marked as
3 Exhibit C-7?

4 A. This is Taima's profile.

5 Q. Okay, if you look through --

6 MR. BLACK: What page are you on? The first
7 page?

8 JUDGE WELSCH: It's not just her profile.

9 BY MS. GUNNIN:

10 Q. Yes, if you could look at all of C-7. It's
11 not just simply one. I know you haven't seen this
12 exhibit previously.

13 A. Oh, is it all the animal profiles? I'm
14 sorry, these are animal profiles for a variety of
15 animals. I'm sorry, yes, I just looked at the first
16 page.

17 Q. You can take the time to read, but are those
18 the animal profiles of the killer whales that were
19 housed in I think it's '09 at Sea World of Florida?

20 A. Are you talking the whole year, or are you
21 talking about right before Dawn's -- because Takara
22 wasn't there.

23 Q. Okay, which --

24 A. Takara.

25 Q. Okay, Takara was not there. That would have

Jenny Mairot

1 been a profile -- these were, I think, identified
2 marked--

3 A. These animals have all been at our stadium,
4 yes, ma'am.

5 Q. Did you say Takara was not there in 2010?

6 A. I don't believe she was.

7 Q. So, with the exception of Takara, were those
8 all the killer whales at Sea World of Florida in
9 February of 2010?

10 A. Yes, because Makio wasn't born yet, and we
11 have both the babies, Tura and Nalani. Yes, ma'am, that
12 would be correct.

13 Q. Since February of 2010, those would not be
14 representative of all the killer whales. Some killer
15 whales have died since that time?

16 A. Yes, ma'am, and Makio was born.

17 Q. So, Makio was the new killer whale, and the
18 two killer whales that you lost since those profiles
19 were written are?

20 A. Taima and Kalina.

21 Q. So, the animal profiles that you're looking
22 at, if you could describe for the Judge, how do those
23 relate to a trainer working at Shamu Stadium?

24 A. One of the things about my job is I get to
25 teach people about the whales. Not only do I teach them

Jenny Mairot

1 about general principles of behavior and how they work
2 and how they work together, but I get to teach them
3 about the unique individual personalities of each
4 animal.

5 These animal profiles are one aspect of that.
6 We ask the trainers to read these, and then when we go
7 out pool side and I'm interacting with a particular
8 animal, I will bring up things that are in the profile
9 and say, "See this?" Whether it's a mark on them that
10 makes it a characteristic of them, like Tina has a super
11 white chin right here, different things like that, or a
12 particular thing that that animal has a strength or
13 weakness in.

14 So, we learn all these different things so
15 that there are many ways we approach the learning
16 process. We do reading, we talk about it, we do hands
17 on, we do observations, and all these things give the
18 trainer a whole picture and a firmer base of who that
19 animal is, how they fit into the pod, what their
20 behavioral strengths and weaknesses are.

21 And, that's just the very beginning of
22 learning because when you're interacting with the
23 whales, you have to consider that particular animal and
24 how they fit into the pod. So, that's the part of the
25 job that I spend a lot of time dialoguing side by side

Jenny Mairot

1 with the trainers about these things but expound it in
2 more in depth as we're pool side and interacting with
3 the animals and seeing things occur.

4 Q. So, is there any expectation that a trainer
5 would just read the profile on their own and then go
6 work with a killer whale?

7 A. Absolutely not.

8 First of all, we never interact with killer
9 whales by ourselves. Never. We always have a spotter
10 with us. The safety of numbers is a crucial part of
11 what we do. Understanding that that person next to you,
12 their eyes and ears and what they're seeing and what
13 their observations are just as important as what yours
14 are.

15 The other part is the process is very, very
16 refined and very slow and steady. It isn't just, "Hey,
17 everybody go out and just take the whales for a test
18 drive." That's not the process at all. It's very -- we
19 do things in a certain order, and we do things in a
20 certain way, so that the animals remain safe and the
21 trainers remain safe, and there's a logical process to
22 it.

23 So, reading this is just a very small part of
24 actually understanding, for instance, who Taima was and
25 knowing how to interact with her in a way that was

Jenny Mairot

1 productive and safe for her and for the trainer.

2 Q. And, if you had a situation where a trainer
3 wasn't progressing quite the same, do they automatically
4 move up the career ladder?

5 A. No, ma'am.

6 Q. Who makes that decision about their
7 progression?

8 A. Well, there are multiple layers of people who
9 have input. The coaches would say, "Hey, I think this
10 person is doing great." The leads who are again on line
11 daily working shoulder to shoulder with these people,
12 and we have weekly meetings, and usually, I would say,
13 once every other week, we probably talk about the entire
14 staff, how are we doing? How are they progressing?

15 So in those meetings, those kinds of concerns
16 would be brought up. We would try and address them and
17 give the trainer an opportunity to figure out what their
18 learning process is and ways they can communicate with
19 them, and they can actually master the skills.

20 And, then, Craig and I ultimately have to go
21 to Kelly and say -- and she's going to play devil's
22 advocate. She's going to say "Why? Prove it." So, it
23 isn't just automatic, no.

24 Q. And, with regard to doing water work, the
25 citation talks about water work and dry work. Do all

Jenny Mairot

1 trainers do water work?

2 A. No.

3 Q. And if you could, describe what that means.

4 A. Water work is interacting with the whales in
5 the pool, you being actually in the pool with them and
6 interacting with them.

7 No, all trainers do not do water work, and
8 even the trainers that are doing water work don't do all
9 the different aspects of water work, nor do they do all
10 the water work with all the whales. It's all very
11 segmented.

12 Q. And, if you can could just give an overview,
13 how are those decisions made about a trainer that's
14 going to do water work? So, they've begun at the
15 stadium as an apprentice. At what point are they
16 eligible to do water work?

17 A. At the trainer level, the rules say they're
18 eligible, but that doesn't mean they will.

19 The process has changed over time. So, I'm
20 going to talk about the process and how it was like
21 in --

22 Q. February of 2010?

23 A. Right, around that time.

24 At that point in time, we were required to --
25 there had been this segment where there was this

Jenny Mairot

1 grandfathered group in, and then anyone who came in new
2 was required to pass the swim test, and then that whole
3 process began changing where they had to pass this one
4 test, and then we had like 90 days to look at the person
5 and see did we think they were going to be a person that
6 we would want to move forward into water work.

7 Those were lots of decisions, but basically
8 my job was to put them in situations where I could see
9 how they interacted with the whales and give them
10 feedback concerning that. And, we would as a group, the
11 six of us, make a recommendation to Kelly of whether we
12 thought that person would be ready to move into the
13 water or not.

14 Q. And, with the water work, would they work
15 with just any the killer whales in water work?

16 A. No, ma'am.

17 Q. How did that work?

18 A. Remember how we talked about we would assign
19 an animal team? That's the whale that we would say,
20 "Okay, you're going to be on Katina's team," and
21 although they would continue observing all the whales,
22 all the different training sessions and how the pod
23 works together, they would spend their time interacting
24 with the whales with Katina, and they would learn about
25 her, and they would build a relationship with her, and

Jenny Mairot

1 they would spend time teaching her, playing with her,
2 relating with her, doing shows with her.

3 And, then, when it came time for the water
4 work, that would be the animal that they would initiate
5 water work with, the animal that they have spent time
6 and already built a rapport with.

7 So, that's how we would decide who they would
8 be in the water with.

9 Q. And, ultimately, would the trainer be able to
10 work in the water with more than just one killer whale?
11 And, not necessarily at a time, but at any different
12 times, would they work with more than one killer whale
13 and be in the water?

14 A. Yes. And, that would go back to the
15 different levels of experience that we dialogued with
16 about earlier. I would certainly expect a Senior 1 who
17 has been at our stadium to be able to interact with a
18 variety of whales in the water, whales that were
19 experienced and naive animals, yes, absolutely.

20 MS. GUNNIN: Judge, I'm looking at the time
21 here, and before I get into the next area, would it be
22 appropriate to take a morning break?

23 JUDGE WELSCH: Yes, let's take our morning
24 break. Be back at 25 until. We're adjourned. Thank
25 you.

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1 (Whereupon, a short recess
2 Was taken off the record)

3 JUDGE WELSCH: Let's go back on the record. Ms.
4 Mairot, I'll remind you, you're still under oath.

5 THE WITNESS: Okay, thank you.

6 JUDGE WELSCH: Ms. Gunnin?

7 MS. GUNNIN: Thank you.

8 BY MS. GUNNIN:

9 Q. Ms. Mairot, before the break, you were
10 talking about the animal profile.

11 A. Yes, ma'am.

12 Q. And, if you could, describe for the Judge
13 what an incident report is?

14 A. An incident report is when there's been a
15 level of aggression between a whale and a trainer or a
16 whale toward the trainer, we document that, and it's
17 shared within the Sea World Parks.

18 Q. And, during your time at Shamu Stadium, have
19 you read incident reports?

20 A. Yes, ma'am.

21 Q. How are those used as part of the training
22 process of a new trainer at Shamu Stadium?

23 A. Well, the incident report is a more extreme
24 -- what to do on a daily basis. Every time we interact
25 with the whales, we're going to talk about it, and we're

Jenny Mairot

1 going to say, "This is what you can learn, this is what
2 you can take, this is take-away."

3 So, when there's an incident in any park that
4 we review, we'll sit down and say, "This is our
5 take-away. This is what we learned from this. This is
6 what we will do differently given a similar situation."
7 This is how we handle this, this is how we would not get
8 to that point where this is aggression. These are the
9 places we could have taken the animal and go a different
10 direction or chosen a different path.

11 So, we do that on a smaller level. Every
12 single show we're going to talk about, "Oh, next time
13 let's do it this way," or "Let's add a slap in here and
14 help that whale know to jump in this spot."

15 But, when you have an incident, you know
16 you're talking about something that's more serious, but
17 you're still looking for the take-away. What did I
18 learn? How can I add this to my repertoire of things
19 that I know so that when I'm either -- if I'm a brand
20 new trainer so I'm learning about the whale or if I'm a
21 leader like me, so I'm taking my team through this
22 safely.

23 So, I'm teaching them how to see the
24 precursors, notice them way early out and take the road
25 that's going to take them around that so we don't have

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1 a longer history with her.

2 JUDGE WELSCH: Okay, thank you.

3 BY MS. GUNNIN:

4 Q. And, to follow up on the Judge's question
5 that he was asking you about the training, had Tilikum
6 been trained in any kind of other work around his mouth
7 prior to --

8 A. Oh, yes.

9 Q. What were those types of training?

10 A. Tili basically was completely orally
11 desensed. We did tooth flushes three times a day
12 always.

13 Q. What is a tooth flush?

14 A. A tooth flush is where we take a small
15 catheter and clean out each of his teeth. He has
16 multiple teeth that are drilled, clean out each one of
17 those teeth with different solutions from the vet either
18 a Betadine solution or a saline solution, depending on
19 what time of the day it is.

20 We do that three times a day since I've known
21 Tili, so since 1994. And I assume they were doing that
22 before. I don't know for sure, but I'm assuming.

23 Q. Anything else with regard to the teeth that
24 would be done?

25 A. Well, Tili also was completely -- you could

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1 do mouth scrapings with him, you could do oral exams,
2 move his tongue all around, you know, look all in his
3 mouth.

4 Q. So you were placing your hands --

5 A. Completely in his mouth. And, when I would
6 do a gastric tube with him, because of Tilikum's size, I
7 was about to my shoulder in his mouth, yes.

8 Q. Any other activities that you would qualify
9 as husbandry or part of just caring for the killer
10 whales?

11 A. You mean other behaviors that we do?

12 Q. How about ultrasound?

13 A. Oh, yes, we could do ultrasounds, we could do
14 -- what is that called when you put the --

15 Q. Ekg?

16 A. Ekg, the little pad, ekg. Any time we're
17 lifting him on the floor for vets to come out and give
18 him, you know, an injection, there's really not much
19 that you could do at the doctor. I mean, we do pretty
20 much everything voluntarily. We teach them how to do it
21 all.

22 Q. And, all of that training that is done, would
23 you be able to do that if you had no close contact with
24 the killer whales?

25 A. I don't think so; not at the level at which

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1 we do it, no.

2 Q. Have you ever done training of killer whales
3 with no contact?

4 A. No, I have not. No, ma'am.

5 Q. And, have you done that at all times behind
6 some kind of barrier?

7 A. No, ma'am, just what I was saying about the
8 gastric tube, there is so much that you -- it's how it
9 feels because you need to feel the animal, you need to
10 feel how they're responding, and if you can't touch
11 them, you can't feel them. So, I don't see how you
12 could do those things.

13 Q. How about with Tilikum now? Are you doing
14 all of your contact with him behind a barrier?

15 A. We are -- the pool wall is just about two and
16 a half feet. We are allowed to go out on the false
17 bottom floor when he is lifted.

18 Q. You described the false bottom floor. Is
19 that a different name for --

20 A. The med pool.

21 Q. -- the D Pool?

22 A. D Pool, sorry. Yes, it's the one that has
23 the white that looks like it's white in the photograph.

24 Q. Do you put up any type of barrier when you do
25 that?

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1 background. He's not like our other whales.

2 You asked me that earlier about their
3 personalities. Well, it isn't just personality that
4 matters. It's also behavioral history, and Tilikum has
5 a very unique history.

6 So, we needed people to be aware not only of
7 how we prohibited people from interacting or approaching
8 his pool or permitted them to, depending on their level
9 and where they stood in regards to him, but just having
10 that difference made you conscious that Tilikum was
11 unique. You couldn't just treat him like every other
12 whale, you couldn't get comfortable because we had a
13 very different and unique protocol for him.

14 Q. How about the Tili Talk? What was the
15 purpose of the Tili Talk and what is the Tili Talk?

16 A. The Tili Talk was basically the first thing
17 we did with any new person on the very first day before
18 they ever even took a tour of the area.

19 They came into our area and sat down in the
20 lounge and received the Tili Talk. And, basically, the
21 talk consisted of, we have a whale in our care who lives
22 in our pools, his name is Tilikum, he's been involved
23 with the deaths of two people. We do have very
24 regimented rules and protocol concerning him. You need
25 to know where he is at all times, where he isn't, you

1 need to abide by these rules because it is our belief
2 that if you fall into his pool and he is able to get
3 ahold of you, that we will not be able to get you back.

4 Q. What was the intent of giving that talk?

5 A. To impress upon each person that was in the
6 area the seriousness and to make them aware that they
7 needed to be conscious of Tilikum, where he was, where
8 he wasn't and what their parameters were concerning him.

9 Q. Could every trainer work with Tilikum?

10 A. No, absolutely not. Tilikum had a very
11 regimented team, very small, highly-skilled team, and
12 Tilikum's team was restricted in a different way than
13 the other whales.

14 When I had trainers come into the area and
15 I'm assigned with teaching that trainer how to work with
16 whales, I'm going to consider what that trainer needs,
17 and work with them accordingly.

18 I'm going to consider the whale, I'm going to
19 consider the area, I'm going to consider the show, so
20 there are a lot of factors. When it comes to Tilikum,
21 your behavioral growth, your career advancement, your
22 opportunity means nothing. The only reason people are
23 on Tilikum's team is for Tili; for his needs.

24 So, it was a different mentality concerning
25 him. He never added people just so they could learn how

1 going back to the trainer. And, the hope was that he
2 would associate that with what it looks like when a
3 human being is in the water, what an appropriate
4 response would be.

5 It was as far as we could take it. We would
6 work with him through the gates. We would be on one
7 side, and he would be on the other, and we would
8 practice that call-back tone, we practiced doing
9 behaviors through the gate like squirting or vocals or
10 lift your pec, very simple things again in hopes that we
11 were building some sort of history of what it might look
12 like to him if that were ever to occur; if a human being
13 were ever to be in his pool again; that there would be
14 some hope of having an appropriate response.

15 Q. How many times did you work those desense
16 sessions with Tilikum?

17 A. Oh, I don't know. Lots of times.

18 Q. Do you have a judgement? Tens? Hundreds?

19 A. Hundreds, hundreds.

20 Q. And, in those hundreds of times are you aware
21 of any time that Tilikum acted inappropriately?

22 A. No. And, Tili had the opportunity. You
23 know, that's the thing about -- going back to when you
24 were asking me, you know, how could we be so close to
25 him. We had thousands of interactions where Tilikum had

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1 an opportunity to grab my hand. I mean, I would be up
2 to my shoulder down in his throat. He had the
3 opportunity to grab us, and he never demonstrated that.
4 It just really wasn't part of his method of operation.

5 Q. What pool would Tilikum have been in when you
6 were doing the gastric intubation procedures?

7 A. My favorite pool to do it in was the front
8 pool.

9 Q. That would be the A Pool?

10 A. Yes, ma'am.

11 Q. That's a deep pool?

12 A. It's a very deep pool. It's our deepest
13 pool.

14 Q. About how deep is that pool?

15 A. 36 feet.

16 Q. So, if he wanted to pull you in, he would
17 have --

18 A. Oh, he had ample opportunity; ample
19 opportunity, yes.

20 Q. You were at Shamu Stadium after there was an
21 event at Loro Parque on December 24, 2009, correct?

22 A. Yes, ma'am.

23 Q. And, did you review an incident report from
24 that event?

25 A. We reviewed video, yes, ma'am.

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1 Q. And, part of your testimony was that you gave
2 this Tili Talk?

3 A. Um-hum.

4 Q. Is that correct?

5 A. Yes, ma'am.

6 Q. And, you give the Tili Talk because of
7 Tilikum's history?

8 A. Right.

9 Q. And, you're trying to provide information to
10 new trainers about Tilikum and his past incidents; is
11 that correct?

12 A. Yes.

13 Q. Other than the Tili Talk that's provided to
14 this new trainer, you don't provide any additional
15 written information to a new trainer at Shamu Stadium,
16 do you?

17 A. No, that's not so.

18 Q. There is Tilikum protocol, correct?

19 A. Yes, there is.

20 Q. But, on the first day you come in, it's just
21 as a verbal sort of Tili Talk?

22 A. No, that's not true. They have an
23 opportunity when we start them reading the manuals.

24 Q. Right, and they read those manuals over time
25 during the first day and first week, correct?

1 A. Yes.

2 Q. It's been your testimony that Tilikum has not
3 had -- did not exhibit -- I want to use the right word
4 here -- appropriate behavior with people in the water,
5 so at the Florida stadium, Tilikum was never water
6 worked; is that correct?

7 A. That's true.

8 Q. Isn't it also true that Sea World of Florida
9 never took any steps to desense Tili to humans?

10 A. No, that is not true.

11 Q. Well, he may have been in the process, but he
12 has not been desensed to humans; isn't that correct?

13 A. No, that's not correct.

14 Q. Well, you never changed his status. His
15 status has always been dry work, correct?

16 A. You're asking me if we desensitized him to
17 human beings. We had close physical contact with
18 Tilikum. He was desensitized to us.

19 Q. But not to humans in the water, correct?

20 A. That's correct.

21 Q. When you desensed Tilikum, you desensed him
22 to particular activities that the trainers would engage
23 in, correct?

24 A. Could you be more specific, please?

25 Q. For instance, you talked extensively about

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1 going into Tilikum's mouth for a gastro tubal procedure?

2 A. Yes, we did that.

3 Q. That was something that you desensed Tili
4 for?

5 A. Yes, we trained him to do that.

6 Q. You trained him to do that, and you also
7 trained him for other husbandry behavior?

8 A. Yes, that's correct.

9 Q. But, you never desensed him to objects
10 hanging from a trainer; isn't that true?

11 A. No, he knew how to work with us when we had
12 our whistles on, he knew how to work with us when we had
13 our hair in ponytails, he knew how to work with us with
14 other things that -- for instance, the tube. The tube
15 is probably 12 feet long. So, as we were moving that
16 around him and it was dangling, he knew how to let that
17 approach him without exhibiting inappropriate behavior.

18 Q. Now, you also mentioned that Tilikum was
19 different. Do you remember that testimony; that he was
20 unique?

21 A. Yes.

22 Q. And, what made him different was that he was
23 not desensed to humans in the water; is that correct?

24 A. What made him different was his behavioral
25 history.

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1 Q. Every new trainer that starts at Shamu gets
2 one of these checklists?

3 A. Yes.

4 Q. And, you mentioned earlier that the coaches
5 actually complete the checklist?

6 A. They work with the person to complete this,
7 yes.

8 Q. So, is the coach completing it or checking it
9 off, or is it something that the new animal trainer or
10 associate would have?

11 A. The coach should be checking it off.

12 Q. I know we discussed earlier that you have the
13 Tili Talk when a new employee starts at Shamu. Does he
14 receive that on day one?

15 A. Yes.

16 Q. I know it says discuss Tilikum safety, Tili
17 Talk. Is there any more to that for day one other than
18 the Tili Talk on day one?

19 A. Well, we would go over the whole, you're not
20 allowed near his pools, you're not allowed on his decks,
21 pretty much he's off limits to you in any way, shape or
22 form.

23 Q. So, that's what that means when you say
24 Tilikum protocol?

25 A. Yes.