

1 what incident are you referring to?

2 A. The Alexis and Keto incident.

3 Q. What is your understanding of the Loro Parque
4 incident?

5 A. I understand it.

6 Q. What do you know about it?

7 A. I'm completely familiar with it.

8 Q. Well, can you tell Court what you know?

9 A. What do you want to know?

10 Q. What do you know about the incident?

11 A. (No audible response).

12 Q. Is the question unclear?

13 A. Yes, I want to know --

14 Q. What do you know about the Loro Parque
15 incident that occurred in December of 2009?

16 A. I understand it completely.

17 JUDGE WELSCH: She's asking you, can you just
18 describe the incident as you know it; what happened?

19 THE WITNESS: Do you want a snapshot? Do you
20 want full details? What is the question? I don't
21 understand it.

22 BY MS. HOWARD-FISHBURNE:

23 Q. I want you to give the Court a description of
24 what you understand and know about the Loro Parque
25 incident. If you would give me a few details, I'll ask

Mike Scarpuzzi

1 you follow-up questions.

2 A. It happened on December 24, 2009. It was an
3 incident with Keto and Alexis.

4 Q. And, why were you involved, if at all, in
5 that incident?

6 A. I was at that point given the responsibility
7 to oversee Brian Rokeach and the training at Loro Parque
8 from Sea World's perspective.

9 Q. When you say you were given that
10 responsibility to oversee Mr. Rokeach, when were you
11 given that responsibility?

12 A. I was given that responsibility in June of
13 2009.

14 Q. When you say you were overseeing Mr.
15 Rokeach's activity at Loro Parque, what did that entail?

16 A. Regular communication between Brian and
17 myself and visits, personal visits to Loro Parque,
18 weekly conference calls between Loro Parque and Sea
19 World.

20 Q. And, when you say "weekly conference calls
21 between Sea World and Loro Parque," who participated in
22 those calls?

23 A. Brian, Miguel, Dr. McBane, Chuck Tompkins,
24 Chris Dold, myself, Michael Tucker.

25 Q. So, were all the Sea World Parks represented

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1 on the call?

2 A. Not always.

3 Q. Not always but routinely, were they welcome
4 to be in on the weekly call?

5 A. They were welcome.

6 Q. What was the purpose of the calls?

7 A. To get an update from Loro Parque from a
8 water quality and animal care and animal training
9 perspective.

10 Q. Why was Brian Rokeach there? What was his
11 purpose for being there?

12 A. He was the Sea World representative to the
13 Sea World whales.

14 Q. So, did he act as a senior trainer at Loro
15 Parque?

16 A. Actually, he was a supervisor.

17 Q. So, he supervised the Loro Parque employees?

18 A. No, he did not.

19 Q. Did he supervise the activities related to
20 Sea World's killer whales?

21 A. To the training and the care of the killer
22 whales. He supervised that aspect.

23 JUDGE WELSCH: As I understand it, the two
24 whales, what were their names?

25 MS. HOWARD-FISHBURNE: Keto was one of the

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1 whales, Your Honor.

2 JUDGE WELSCH: I thought it was Alexis.

3 THE WITNESS: Alexis is the name of the
4 trainer.

5 JUDGE WELSCH: Oh, trainer. I'm sorry, okay.

6 And Keto was a Sea World whale that Sea World
7 loaned to Loro Parque?

8 THE WITNESS: That's correct, Your Honor.

9 JUDGE WELSCH: So, Mr. Rokeach was there just
10 to--

11 THE WITNESS: To supervise the Sea World
12 whales. He did not supervise the Loro Parque trainers.

13 JUDGE WELSCH: Were there other whales other
14 than Keto?

15 THE WITNESS: Yes, there were.

16 JUDGE WELSCH: How many whales did Sea World
17 loan to Loro Parque?

18 THE WITNESS: Four.

19 JUDGE WELSCH: Four whales.

20 BY MS. HOWARD-FISHBURNE:

21 Q. When you say that Mr. Rokeach was supervising
22 the whales that were on loan or on lease to Loro Parque,
23 what was his job function? What was he actually doing?
24 Was he training the Loro Parque trainers so they could
25 be competent?

Mike Scarpuzzi

1 A. He was continuing on the process of training
2 the Loro Parque trainers.

3 Q. And, Loro Parque was actually using the
4 operant conditioning program that the Sea World Parks
5 were using; isn't that correct?

6 A. That's correct.

7 Q. And, when incidents would occur during the
8 time when Loro Parque had Sea World killer whales, Loro
9 Parque would weigh in on those incidents like the other
10 Sea World Parks; isn't that correct?

11 A. (No audible response).

12 Q. Do you know what I mean?

13 A. No, I don't understand completely what you
14 mean.

15 Q. Your corporate incident reports are created
16 after there is an incident with a killer whale, and if
17 an incident happens at San Diego, that report is then
18 shared with the curators of the other parks, Florida and
19 Texas?

20 A. Sea World Parks.

21 Q. Sea World.

22 A. Yes.

23 Q. And, during the time when Loro Parque
24 actually had killer whales that were owned by Sea World
25 on lease by Loro Parque, Loro Parque weighed in on what

Mike Scarpuzzi

1 they thought about the incident or the corrective
2 measures that a particular park might have taken; isn't
3 that correct?

4 A. Not to my knowledge.

5 Q. Not to your knowledge? Do you get an
6 incident report back once it's complete; once all the
7 parks have made their comments?

8 A. Yes.

9 Q. And, do you review them --

10 A. Yes.

11 Q. -- in your capacity as VP?

12 A. Yes.

13 Q. You have in front of you --

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

16 JUDGE WELSCH: Yes.

17 BY MS. HOWARD-FISHBURNE:

18 Q. -- an exhibit that's already in evidence, but
19 the first tab, this is an incident report and it has a
20 Bates number?

21 JUDGE WELSCH: For the record, you're looking at
22 Exhibit C-6?

23 MS. HOWARD-FISHBURNE: C-6, Your Honor.

24 BY MS. HOWARD-FISHBURNE:

25 Q. Can you turn for me to Sea World 1383?

Mike Scarpuzzi

1 A. (Witness Complies)

2 Q. I'm showing you a document that was produced
3 by Sea World of Florida and Bates Number 1383 through
4 1385. Can you identify this document for the record?

5 A. Yes.

6 Q. Are you familiar with the corporate incident
7 reports that are prepared by Sea World Parks?

8 A. Yes.

9 Q. And, this report is dated March 18, 2008; is
10 that correct?

11 A. Yes.

12 Q. And it involves trainer Stephanie Glazebrook?
13 Is that the trainer that's identified?

14 A. Yes.

15 Q. And the animal involved is Kasatka?

16 A. Yes.

17 Q. Can you turn to Sea World 1385, the third
18 page?

19 A. (Witness Complies).

20 Q. On that page, do you see the notation that
21 has Sea World of Florida, Sea World of Texas and then it
22 also has Loro Parque?

23 A. Yes.

24 Q. And, would you take the opportunity to
25 actually read what Loro Parque wrote there?

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1 A. (Witness Complies). Okay.

2 Q. Does reviewing the document refresh your
3 recollection at all that Loro Parque would, in fact,
4 provide comments on incidents that occurred at the Sea
5 World Parks during the time that they actually had Sea
6 World killer whales?

7 A. In this particular incident, they did.

8 Q. Do you recall ever reviewing those comments
9 that you just read on that particular incident?

10 A. I'm sure that I've read this before, but I
11 did not remember that detail.

12 Q. You can actually put that back, and I'll have
13 you look at another incident report. That's Sea World
14 1379. This is another corporate incident report that
15 was generated by Sea World of California.

16 A. Okay.

17 Q. I guess my question is, is this an incident
18 report that was created by Sea World of California? Is
19 that correct?

20 A. Yes.

21 Q. The incident report is dated September 10,
22 2008, and it involved Robin Sheets and Kasatka as the
23 killer whale?

24 A. Yes.

25 Q. Now, can you turn to Page 3?

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1 A. (Witness Complies).

2 Q. On Page 3 it says, "Originating park curator
3 comments." Would they have been comments that you would
4 have made, or would that have been Mr. Garver at this
5 time in 2008?

6 A. That would be Mr. Garver.

7 Q. Could you turn to the next page?

8 A. Yes.

9 Q. Do you see where it says, "other park curator
10 comments"?

11 A. Right.

12 Q. This is another example where you see Sea
13 World of Florida provided their comments and analysis of
14 the incident as well as Sea World of Texas and Loro
15 Parque. And, does reviewing this incident report
16 refresh your recollection at all that Loro Parque was
17 routinely commenting and providing feedback and analysis
18 on incidents that occurred at the Sea World Parks?

19 A. They obviously did on this one.

20 Q. I guess my question is, as VP of Zoological
21 Operations of Sea World of California, is it your
22 testimony that you don't have knowledge that Loro Parque
23 during the time that they leased the whales from Sea
24 World, that they were actually provided an opportunity
25 to give feedback on incidents that occurred at Sea

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1 World?

2 A. Yes, they were provided the opportunity.
3 That's obvious, but my recollection, if I remember the
4 question, was had they weighed in on every one that
5 happened since we have had Loro Parque, and I still say
6 I don't think they did. So, maybe they did, but I don't
7 think so.

8 You have shown me two examples, but the
9 question was, do they weigh in on every incident report,
10 and I answered, "no."

11 Q. Now, you mentioned that you were given the
12 responsibility to oversee Mr. Rokeach while he was at
13 Loro Parque, and I asked you some questions about what
14 your understanding was of the incident that occurred at
15 Loro Parque, and I guess I'll ask it again. Can you
16 describe what you know about the incident that occurred
17 with Keto and Alexis Martinez?

18 MS. GUNNIN: Judge, I'm going to object to the
19 question about Loro Parque. There has been no
20 foundation laid for how that is relevant to Sea World of
21 Florida.

22 Under the San Diego Park, the justification by the
23 Secretary was that's another company in the industry.
24 There has been no establishment that Loro Parque is a
25 company that would be considered someone as a leader in

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1 the field to be someone that you would attribute
2 industry recognition from.

3 In fact, the testimony that has been presented in
4 this case would be the opposite. They're not an
5 industry leader. So, if the Secretary's argument is
6 there should be recognition of hazards based on Loro
7 Parque, then that would fail.

8 So I wonder what the relevancy is of delving into
9 the Loro Parque incident because that's clearly not a
10 park in this country. It's a park owned by another
11 company. So, the relevancy should be established.

12 JUDGE WELSCH: The objection is overruled. Go
13 ahead.

14 Do you remember the question?

15 THE WITNESS: Is it the same question she asked
16 me before?

17 JUDGE WELSCH: She's asking you to describe the
18 incident.

19 THE WITNESS: What would you like to know about
20 it?

21 BY MS. HOWARD-FISHBURNE:

22 Q. What was your involvement?

23 A. I was called on the phone by Brian Rokeach
24 when the incident occurred, and I got on a plane and
25 went over there to help and to give Brian support and to

Mike Scarpuzzi

1 help in that situation.

2 Q. And, what were you told when Mr. Rokeach
3 called you?

4 A. That there had been an incident and that it
5 was bad.

6 Q. What did he tell you was the incident?

7 A. He didn't go into the details at that point.

8 Q. So, you just got on a plane and flew to the
9 Canary Islands to give him support without knowing
10 anything?

11 A. Not from the first call. You asked me what
12 he told me, and I'm telling you what he told me on the
13 call.

14 Q. Mr. Scarpuzzi, we can play this game all day.
15 I'm asking you simple basic questions, and you're giving
16 me the runaround.

17 JUDGE WELSCH: Let's stop.

18 MS. HOWARD-FISHBURNE: So, I'll ask you the
19 question again.

20 JUDGE WELSCH: Let's stop. Just answer the
21 question. Go ahead.

22 THE WITNESS: Well, you asked me what he told
23 me, and I told you what he told me. He said, "There's
24 been an incident and it's bad."

25 BY MS. HOWARD-FISHBURNE:

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1 Q. And what did you do in response to that?

2 A. I said, "Go back and take care of the
3 situation. I will call you back and let you know what
4 we're going to do from Sea World." That's the answer to
5 your question.

6 Q. So, he told you there had been an incident
7 and that it was bad?

8 A. That's correct.

9 Q. And, you told him to go and deal with it and
10 you would call him back?

11 A. That's correct.

12 Q. What did you do in response to that, knowing
13 there had been an incident and it was bad?

14 A. Then, I called Brad Andrews on his cell phone
15 and got no answer. Then, I called his home and got no
16 answer. I left a message on both of those phones. I
17 then called Jim Atchison and I got ahold of him.

18 Q. What did you tell -- Mr. Atchison, you said?

19 A. Atchison.

20 Q. What did you tell him?

21 A. That there had been an incident at Loro
22 Parque; that Brian had called me and he said it was bad,
23 and that's all I know at this point.

24 Q. At some point during that day, did you learn
25 what actually occurred?

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1 A. Yes.

2 Q. What did you find out?

3 A. After that phone call?

4 Q. What did you find out, Mr. Scarpuzzi, as to
5 what actually occurred at Loro Parque?

6 A. Brian called me back, and he told me that
7 Alex didn't make it. And I said, "Okay, I'll call you
8 back when I know what we're going to do from here."

9 We did not discuss the incident over the
10 phone. That's why I'm having a hard time telling you.
11 Your questions aren't appropriate for me to answer the
12 questions.

13 Q. So, you found out that Mr. Martinez, who was
14 an animal trainer at Loro Parque, did not make it?

15 A. That's correct. I did find that out.

16 Q. Did you ask any questions as to what caused
17 the death?

18 A. No, I did not.

19 Q. At some point in time, did you learn what
20 actually occurred?

21 A. At some point in time, yes.

22 Q. Okay, and when did you learn that?

23 A. When I arrived at Loro Parque the next day.

24 Q. I guess I'll go back. What did you find out
25 about the details?

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1 A. That's when I walked the incident with Brian
2 at Loro Parque and had him go over the actual incident
3 itself, and then I took notes and helped take care of
4 the whales and did what I was supposed to do there with
5 helping out Brian.

6 Q. What did Mr. Rokeach tell you as you walked
7 the scene, the area where the incident occurred? What
8 did you learn?

9 A. I learned the details of the training
10 session; what happened in that session.

11 Q. What did you actually learn?

12 A. Well, I would have to go back to the incident
13 report to tell you all the steps and details of the
14 incident.

15 MS. HOWARD-FISHBURNE: Your Honor, can I treat
16 this witness as hostile? He's not answering any of my
17 questions. I don't know what else to do.

18 JUDGE WELSCH: I understand. Yes, go ahead.
19 You may proceed.

20 BY MS. HOWARD-FISHBURNE:

21 Q. So you arrived at Loro Parque the next day;
22 is that correct?

23 A. Yes.

24 Q. And, you learned that the killer whale, Keto,
25 had actually killed Mr. Martinez; isn't that correct?

Mike Scarpuzzi

1 A. That's correct.

2 Q. And, that Mr. Martinez was pulled in the
3 water by Keto; is that correct?

4 A. That's incorrect.

5 Q. Isn't it true that he was drowned by Keto?
6 He died of drowning; isn't that correct?

7 A. I'm not sure what the cause was; but, yes,
8 Keto did forcibly take him underwater.

9 Q. Forcibly took him underwater?

10 A. Yes.

11 Q. And, Sea World actually analyzed the incident
12 involving Keto and Alexis Martinez; isn't that correct?
13 You came to the conclusion as to why the incident
14 occurred?

15 A. Yes, we did.

16 Q. And, one of the conclusions that Sea World
17 came to was that Mr. Martinez got out of the water too
18 close to the whale; isn't that correct?

19 A. No, I don't think that's the conclusion that
20 we came to.

21 Q. When Mr. Martinez was trying to exit the
22 pool, didn't he exit the pool too close to Keto? Wasn't
23 that one of the observations that was made?

24 A. He was attempting to exit the pool.

25 Q. And he never exited the pool?

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1 A. He did not exit the pool.

2 Q. Wasn't that one of your observations that Sea
3 World made is that was an error made by Mr. Martinez?

4 A. If I can remember the incident report, it was
5 suggested by one park that they would have done it
6 differently.

7 Q. They would have done it differently?

8 A. They would have done it differently. That
9 was their suggestion.

10 Q. What was your analysis of the incident?

11 A. My analysis was that there were several
12 behavioral pieces that led up to what I feel was
13 eventually the reason for Keto to do what he did to
14 Alexis. But, none of those pieces were anything
15 significant or major that in and of itself would have
16 caused this type of behavior from the killer whale.

17 So, my analysis was a combination of
18 relatively commonplace and minor occurrences probably
19 culminated to the point where Keto did what he did, but
20 none of them in and of themselves was what I would call
21 a significant enough event by themselves to cause this.

22 Q. What did you believe to be the behavioral
23 pieces that culminated into this accident?

24 A. Well, there was -- one was that there was
25 some incorrect behavior being repeated which is the spy

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1 hop in the center. Another one was that Alexis had not
2 fed primary reinforcement in the session. Another one
3 was that the secondary trainers used primary, and Alexis
4 only used secondary reinforcers, and then I think that
5 was it. There might be one more, but to the best of my
6 recollection, that was the main one.

7 Q. One of the reasons was that you didn't
8 believe that Keto had been reinforced properly?

9 A. No, I wouldn't say that. That's not what I
10 said. Keto was being reinforced properly, but there are
11 a lot of ways to reinforce, and Alexis choosing not to
12 reinforce with primary in that session was his choice.
13 In and of itself that would not cause Keto to do what he
14 did, but it was a piece.

15 Q. Were there any other pieces that you
16 determined helped to cause this incident?

17 A. Another piece was repeating the spy hop
18 behavior in the center after that was incorrect. That
19 was a piece.

20 JUDGE WELSCH: What did you call that?

21 THE WITNESS: Spy hop. Your Honor, it's when
22 the whale comes straight up out of the water, sky
23 hopping straight up out of the water.

24 BY MS. HOWARD-FISHBURNE:

25 Q. Did Sea World determine Mr. Rokeach behaved

Mike Scarpuzzi

1 properly during the interactions with Keto and Alexis
2 Martinez?

3 A. Yes.

4 Q. Was there any trainer ever identified?

5 A. No.

6 Q. You mentioned earlier that you prepared -- I
7 don't know if you said you prepared or maybe commented
8 on an incident report that was created as a result of
9 the Loro Parque incident?

10 A. Yes, that's correct.

11 JUDGE WELSCH: Which part? Did you prepare
12 the incident report, or did you just comment on the
13 incident report?

14 THE WITNESS: I did both. I participated in
15 both, Your Honor.

16 BY MS. HOWARD-FISHBURNE:

17 Q. Who else participated in the preparation of
18 the incident report for the Loro Parque incident?

19 A. Miguel and Brian Rokeach.

20 Q. I'm sorry, who is Miguel?

21 A. Miguel is the head trainer at Loro Parque.

22 JUDGE WELSCH: He worked for Loro Parque?

23 THE WITNESS: He worked for Loro Parque, yes.

24 JUDGE WELSCH: And, Mr. Rokeach worked for Sea
25 World?

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1 THE WITNESS: Yes.

2 BY MS. HOWARD-FISHBURNE:

3 Q. After the incident report was created, was
4 that report circulated to the Sea World Parks?

5 A. Yes, it was.

6 Q. Now, you would agree with me that the purpose
7 of creating incident reports is so that the trainers can
8 learn from the incidents that have occurred?

9 A. Yes, that's correct.

10 Q. And, for the Loro Parque incident, I guess,
11 one of the things that the trainers learned was that
12 they shouldn't have continued a behavior that was being
13 performed incorrectly by the whale?

14 A. No, I wouldn't say that.

15 Q. You wouldn't say that?

16 A. No, I would not say that.

17 Q. But, you did say that was one of the pieces
18 of allowing it to occur?

19 A. That's correct.

20 Q. So, in reviewing the Loro Parque incident,
21 what was the take-away? What did you learn from that
22 incident, if anything?

23 A. I think the one thing that we learned was to
24 probably continue to be variable with our reinforcers.
25 That was one of the things that we talked about was that

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1 the variability of reinforcement was important, and to
2 make sure that we continue to not allow situations to
3 become predictable. So we just encouraged the trainers
4 to become more variable in their reinforcers.

5 Q. I'm sorry, what does it mean to not allow
6 variability in reinforcement?

7 A. To make sure there is variability in
8 reinforcers.

9 Q. To make sure that there is?

10 A. Yes. Let me back up because the question was
11 specifically -- can you repeat the question? I'm sorry.

12 Q. I don't know what you were answering now.

13 I think we were asking what the take-away
14 was; what did you learn from that incident, and I said
15 was one of the things to not allow behavior that's being
16 performed incorrectly to continue?

17 A. In general, I think the one thing we learned
18 was that in all of the feedback on that incident, we
19 learned -- we were surprised that those four to five
20 minor situations or minor things that I discussed
21 earlier would lead to this type of behavior from the
22 killer whale.

23 So, I think that's one thing we learned.
24 And, then, we talked about each one of those details
25 about, you know, the main control trainer reinforcing

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1 with primary reinforcement, choosing not to do that in
2 that session I think it's completely appropriate; yet,
3 in that particular session, obviously, it was a piece of
4 it. So, we learned that it's still important to make
5 sure we use variability in reinforcement.

6 So, each one of the pieces was evaluated, and
7 we learned probably the degree of an enforcement in this
8 particular case with this particular animal.

9 Q. And, as a result of this incident at Loro
10 Parque, did the Sea World Parks suspend water work after
11 this incident?

12 A. Yes, they did.

13 Q. And, how long did they suspend water work?

14 A. It was different in each park.

15 Q. How long did your park suspend water work?

16 A. Until I think it was, I want to say either
17 December 31st or January 1st. It was the Saturday after
18 I came home. I came home on a Thursday. I think it was
19 the 30th, a Thursday if I'm remembering right.

20 Q. You said December?

21 A. Yes, I came to San Diego I think it was
22 December 30th, so I think that Saturday we started water
23 work in California.

24 JUDGE WELSCH: So about a week?

25 THE WITNESS: Yes.

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1 JUDGE WELSCH: The incident happened on December
2 24th --

3 THE WITNESS: Which was a Thursday.

4 JUDGE WELSCH: -- of 2009, you said you got
5 back. So, a little over a week? And you don't know
6 about the other parks; that the just San Diego?

7 THE WITNESS: I do know about the other parks.

8 BY MS. HOWARD-FISHBURNE:

9 Q. How long was Florida out of the water?

10 A. I think Florida was out of the water on
11 Friday the 25th. I think they went back into the water
12 sometime on what weekend. I'm not sure which day;
13 Saturday or Sunday.

14 Q. What about Texas?

15 A. Texas went back into the water after Florida
16 did, probably -- I'm not sure which day but it was after
17 Florida. Florida was the first one.

18 Q. Do you know why water work was suspended?
19 Why water work was suspended at the San Diego Park after
20 the Loro Parque incident?

21 A. Well, it was suspended in the San Diego Park
22 because I directed them to suspend it until I came back
23 with the incident, and we could discuss it and implement
24 any lessons that we had learned. So, it was stopped in
25 California from my direction.

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1 Q. And, that's because -- you made that decision
2 because what happened at the Loro Parque facility also
3 influenced the San Diego Park; isn't that correct?

4 A. What happens with a Sea World killer whale,
5 yes, I think we need to understand what's going on, and
6 then learn our lesson and implement that with our Sea
7 World whales if it's appropriate.

8 Q. Were any changes made at the San Diego Park
9 as a result of the Loro Parque incident?

10 A. Just a discussion and reiteration of the
11 minor parts of the incident were reinforced that we need
12 to be more variable with our reinforcement and make sure
13 we're using secondary and primary throughout the session
14 so these things were just reinforced.

15 JUDGE WELSCH: Let me just ask you, those
16 changes in reinforcers, you called them, are you
17 applying that only to Keto, the whale involved in the
18 incident, or are you doing it for all the whales?

19 THE WITNESS: We're just applying it to the
20 whales at San Diego. Keto is in Loro Parque, Your
21 Honor.

22 What I was being asked was what changes did we
23 make in San Diego for our whales. And, again, I'm
24 answering there are very, very minor, very commonplace
25 reinforcing that they're using with the animal trainers

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1 is very commonplace. We use it all the time. So, we
2 just reinforced to continue to be variable with our
3 reinforcers.

4 JUDGE WELSCH: So, in your mind then, no real
5 changes took place as a result of the December 24, 2009,
6 incident? As a result of that incident, you didn't
7 institute any real changes. You were just reinforcing
8 what was already being done at San Diego?

9 THE WITNESS: That's correct, Your Honor, we
10 did not make any kind of significant changes in, like,
11 the standard operating procedures or anything like that.
12 It was just the continual reinforcing the importance of
13 the use of reinforcements for the whale.

14 JUDGE WELSCH: And you don't know if any
15 changes were done in any other park?

16 THE WITNESS: That's correct. I do not know if
17 there were any changes in the other parks.

18 BY MS. HOWARD-FISHBURNE:

19 Q. As the Sea World representative who went over
20 to Loro Parque to evaluate the incident, did you then
21 come back and provide feedback on the incident to the
22 other Sea World Parks?

23 A. Yes, I did.

24 Q. And, how did go about doing that?

25 A. I left Loro Parque on Monday so that was a

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1 travel day, went to Sea World of Florida, and I met with
2 the Shamu trainers there on Tuesday and reviewed the
3 actual written document as well as the video of the
4 incident with the Shamu trainers.

5 JUDGE WELSCH: Here in Orlando?

6 THE WITNESS: In Orlando, yes, sir.

7 BY MS. HOWARD-FISHBURNE:

8 Q. And, when you say you reviewed the documents
9 with the Shamu trainers, are you referring to the
10 incident report?

11 A. Yes, at what state it was in at that point
12 because it takes a process.

13 Q. Of course.

14 A. So the draft form that it was in at that
15 point, I used that as well as my notes as a basis to go
16 over the incident report with the Shamu trainers at Sea
17 World of Florida.

18 JUDGE WELSCH: That would be all of the
19 trainers; not just the curators?

20 THE WITNESS: Yes, that's correct, with all the
21 Shamu trainers at Sea World of Florida. So, no other
22 trainers from other areas or anything like that.

23 JUDGE WELSCH: And that would include Ms.
24 Brancheau?

25 THE WITNESS: Yes, it did.

Mike Scarpuzzi

1 BY MS. HOWARD-FISHBURNE:

2 Q. How long was that meeting?

3 A. The meeting was probably just over an hour,
4 hour and a half probably.

5 Q. And, you said you also allowed the trainers
6 to review the video?

7 A. Yes, I did.

8 Q. And, that video was that a copy that you had
9 received from Loro Parque?

10 A. Well, I don't know if it was a copy, but it
11 was the video from Loro Parque.

12 Q. Did you retain that video?

13 A. I retained it to do the review with Sea World
14 of Texas and Sea World of California.

15 Q. And, what did you do with the video?

16 A. Then, I sent it back to Brad Andrews.

17 Q. And Brad Andrews is part of Sea World,
18 correct?

19 A. Yes.

20 Q. You didn't send to it Loro Parque?

21 A. I did not. I sent it back to corporate.

22 Q. I know I got off in talking about Loro
23 Parque, but I want to go back to when we initially were
24 talking about incident reports and the fact that one of
25 the purposes of creating an incident report is so that

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1 trainers can learn from the incident; is that correct?

2 A. Yes, that's correct.

3 Q. And, that's in hopes that the trainers, if
4 they encounter a similar incident, will respond
5 appropriately?

6 A. Well, it's to continue to build on the body
7 of knowledge that we have in working with these animals.

8 Q. Because this is sort of a work in progress,
9 right; that you're continuing to learn as you work with
10 the killer whales?

11 A. We're continuing to learn, yes.

12 Q. Now, I had you look at some incident reports,
13 but I want to take you back to an incident report
14 involving Ken Peters and the killer whale, Kasatka.

15 And, just before we go and talk about that,
16 one of the procedures when a killer whale somehow gets
17 ahold of a trainer, is that trainers are supposed to
18 initiate emergency response procedures; isn't that
19 correct?

20 A. At some point, they are given the empowerment
21 to make a judgement call as to when to put that into
22 place, yes.

23 Q. And, what is your understanding as to when
24 they would make that judgement call? Is there something
25 specific or does it just depend on the situation?

Mike Scarpuzzi