

1 this case? Some people just came in. Are you all going
2 to be witnesses? Do you know whether or not you're
3 going to be witnesses in the case?

4 (No Response)

5 JUDGE WELSCH: Okay, thank you.

6 Go ahead, I'm sorry.

7 MR. BLACK: Thank you, Judge.

8 BY MR. BLACK:

9 Q. And, now, at the Shamu Stadium today, there's
10 somewhere around 27 trainers?

11 A. That's a good guess.

12 Q. There may be one or two more?

13 A. Right. Since my deposition, it may have
14 changed by one or two, but it's around that number.

15 Q. And, today, there are seven killer whales at
16 Orlando Park?

17 A. Yes.

18 Q. How about at other parks? At California, how
19 many killer whales do they have?

20 A. There are six killer whales in California and
21 six killer whales in Sea World of Texas.

22 Q. And, there are also a number of Sea World
23 owned killer whales at a facility in the Canary Islands?

24 A. Yes.

25 Q. And, that facility is known as Loro Parque?

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1. A. Yes.

2 Q. And, tell me if I'm spelling this right for
3 the Court Reporter to get it down. L-o-r-o and the
4 second word is P-a-r-q-u-e?

5 A. Yes.

6 Q. Spanish for Parrot Park?

7 A. I don't speak Spanish. I'm sorry.

8 Q. And Sea World has five whales at Loro Parque?

9 A. There are five whales at Loro Parque.

10 Q. Are they all Sea World-owned whales?

11 A. One of the whales at Loro Parque is a young
12 calf, and I'm not the person to speak to regarding who
13 owns the whale.

14 Q. So, the four adult whales -- would you call
15 them adult whales?

16 A. Yes.

17 Q. The four adult whales are Sea World-owned
18 whales?

19 A. To my knowledge, yes.

20 Q. And, then, Sea World has a whale that's at
21 Marine Land in Niagara, Canada?

22 A. Ikkika.

23 Q. Did you say "Ikkika"?

24 A. I'm sorry, I-k-k-i-k-a.

25 Q. You didn't do anything wrong. I was just

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1 interacted with Tilikum, there were behaviors we did not
2 do with Tilikum that we did with other whales. He had
3 his own set of protocols.

4 JUDGE WELSCH: And there's no other whale -- the
5 seven whales were treated differently? The other six
6 whales were all treated the same in terms of behaviors?

7 THE WITNESS: Are you asking me at the time of
8 the incident?

9 JUDGE WELSCH: Prior to the incident.

10 THE WITNESS: There was one other whale we
11 didn't interact in the water with, but other than that,
12 every other whale.

13 JUDGE WELSCH: You looked at it in terms of
14 behaviors were consistent among the other five whales?

15 THE WITNESS: Right.

16 JUDGE WELSCH: Tilikum, though, had different
17 behaviors than the other five whales?

18 THE WITNESS: He had different protocols from
19 the other five whales, and if a whale was in Tilikum's
20 environment, that whale adopted Tilikum's protocols.

21 MR. BLACK: Thank you, Judge.

22 BY MR. BLACK:

23 Q. And, in training the trainers not to put
24 themselves into a vulnerable position with Tilikum, did
25 you train them to keep away from his mouth?

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1 A. No, I did not. We care for Tilikum
2 performing behaviors that were around his mouth. We
3 trained him on gastric tube behavior and that is around
4 his mouth. It was not protocol to stay away from
5 Tilikum's mouth.

6 Q. Including during interactions with him that
7 weren't related to husbandry or medical care?

8 A. That's true because all of the interactions
9 that we do contribute to a reinforcement history with
10 that animal which contributes to husbandry procedures.
11 So, we certainly would rehearse behaviors associated
12 with husbandry procedures in other environments.

13 Q. So, it was okay, if you will -- it was not a
14 problem for Dawn to be in close proximity, Ms. Brancheau
15 to be in close proximity to Tilikum's mouth on the date
16 of the accident?

17 A. Dawn did not break protocol on the day of the
18 accident.

19 Q. And, you relied on her judgement to make the
20 determination that would protect herself from Tilikum
21 ultimately?

22 A. What are you saying to me?

23 Q. I'm asking.

24 A. Did we rely on her judgement to -- her
25 judgement coupled with all of the training, all of

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1 World while trainers were interacting with killer
2 whales, right?

3 A. Yes.

4 Q. And, if there's an injury, of course, you're
5 not ignoring that fact for sure, right?

6 A. Absolutely not.

7 Q. And, so in addressing it immediately, the
8 first thing that Sea World does is often to pull the
9 trainers out of the water, right?

10 A. No, that's not correct.

11 Q. In accidents and injuries that you have had,
12 Sea World has had accidents occur where they have pulled
13 all the trainers out of the water, right?

14 A. When Sea World had an incident on
15 February 24, 2010, we suspended all water interaction
16 following that incident.

17 Q. And, that continues today. There has been
18 no water interaction with the whales in the 19 months
19 since February 2010?

20 A. That's correct.

21 Q. But --

22 A. Except for husbandry procedures.

23 Q. If there was an emergency incident where you
24 did water work, right?

25 A. Yes.

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1 Q. Aside from that emergency or perhaps other
2 emergencies, Sea World has stayed out of the water?

3 A. We have suspended water interaction, yes.

4 Q. And, this has happened before several times
5 that Sea World has suspended water work, right?

6 A. Two other times.

7 Q. Well, it happened in 1988?

8 A. Yes.

9 Q. And, it happened again in 2006 after the
10 Kasatka incident?

11 A. For whatever reason, I'm not recollecting
12 that.

13 Q. It happened in December of 2009 in the Loro
14 Parque incident, right?

15 A. Yes.

16 JUDGE WELSCH: So, when you said Sea World,
17 you're not talking about Orlando; you're talking about
18 all the parks?

19 MR. BLACK: That was all the parks.

20 THE WITNESS: We have not suspended water
21 interactions in Sea World. Other than following the
22 February 24th event with Ms. Brancheau, we have not
23 suspended water interaction at Sea World around an event
24 that happened at Sea World Orlando.

25 So, if he's talking about an event that happened

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1 at Sea World of California in 1988 and an event that
2 happened at Loro Parque, and he's also talking about an
3 event that happened in San Diego.

4 So, at Sea World Orlando, February 24, 2010, is
5 the first time we've suspended water interaction at Sea
6 World around an event that happened in Sea World
7 Orlando, but corporately we have suspended water
8 interaction.

9 JUDGE WELSCH: So, all the parks have suspended
10 water interactions since February of 2010?

11 THE WITNESS: Yes.

12 JUDGE WELSCH: But, the other incidents, it
13 might have been suspended at a particular facility where
14 the incident happened in 1988 and 2006, but it wasn't
15 suspended corporate-wide?

16 THE WITNESS: It was suspended corporate-wide.
17 The incident happened elsewhere, but we suspended water
18 work here as we reviewed the incident.

19 JUDGE WELSCH: Okay, I misunderstood. Thank
20 you.

21 BY MR. BLACK:

22 Q. And, just so I'm clear, after the Loro Parque
23 incident, there was a suspension of water work at all
24 three parks, right, in December of 2009?

25 A. Yes, short term until we reviewed the

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1 that's --

2 Q. When did Tilikum come to the Orlando park?

3 A. I would say 1992.

4 Q. And, when he arrived and since you have cared
5 for him, what kind of close contact interactions would
6 you do with Tilikum?

7 A. When he first arrived, we assessed his
8 behavior in our environment as the right thing to do.
9 We have a new whale with a history that we were not a
10 hundred percent, it wasn't comprehensive for us, he
11 comes from another facility, he comes to us after having
12 been in a facility that had a tragic event.

13 So, we approached this animal with extreme
14 caution, and over the years, he showed us how very
15 trainable, how very approachable, how very passive or
16 very responsive he was.

17 I personally conditioned Tilikum to perform a
18 gastric intubation. Our training procedure involved
19 being very close to him. I was completely comfortable
20 throughout the training, and he never gave us any
21 indication.

22 Q. If you could describe for the Judge, what is
23 a gastric intubation?

24 A. Sure. We asked Tilikum to hold his mouth
25 open. This is a procedure that was trained with at

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1 least two trainers plus a spotter trainer. So, one
2 person was responsible for asking Tilikum to target the
3 top half of his rostrum on the one hand and the bottom
4 half of his jaw on the other.

5 So, we were asking him to maintain this
6 position with his mouth like this (demonstrating), one
7 hand here and one hand here.

8 When you're training -- let me just say,
9 certainly, there was not a disregard for this animal's
10 potential when you're training it. When you have close
11 contact with a killer whale, and you are touching him on
12 the top of the body, you can feel any change. These
13 animals are -- you can feel it. You can feel them
14 change their mouth, you can feel them move their head
15 back.

16 So, this person held that -- asked the animal
17 to maintain that position, keep his mouth open while
18 another person approximated, took very small steps,
19 taking a tube and putting it down his throat. His mouth
20 is straight to his stomach. So, you're not going to
21 have the gagger results you and I would have.

22 So, we slowly approximated feeding this tube
23 all the way into Tilikum's mouth until it got to the
24 point where it was set. Then, you can do one of two
25 things. You can either keep the tube, keep the pressure

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1 and pull pack and then you retrieve that sample for the
2 veterinarian, or you can leave the tube open and hydrate
3 the animal or pour the solution straight into his
4 stomach. So, we conditioned him, and he performed the
5 behavior for years.

6 JUDGE WELSCH: Why would you do the latter? I
7 understand the first concept --

8 THE WITNESS: Getting the sample?

9 JUDGE WELSCH: I understand that concept. Why
10 would you do the latter?

11 THE WITNESS: I'm not a veterinarian, but I
12 have had veterinarians prescriptions, and at the time we
13 were looking at whether or not Tilikum might need more
14 hydration, so we were putting fluid into him, whether he
15 was getting enough water or not.

16 BY MS. GUNNIN:

17 Q. What other close contact have you had with
18 Tilikum involving husbandry procedures?

19 A. Tilikum -- this is prior to?

20 Q. Prior to.

21 A. Tilikum was trained a litany of husbandry
22 behaviors. He was trained to allow us to look at his
23 mouth, look in his mouth, ask for his tongue to be
24 presented so we can manipulate his tongue and look at
25 anything that's going on with his tongue. We could

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1 culture his teeth, and we could do dental work on his
2 teeth, we cleaned his teeth.

3 We were able to look very closely at
4 Tilikum's eyes and collect tear samples from his eyes.
5 We were able to collect a culture of his blow hole as
6 well as a sample of his blow.

7 Moving back, we did full, full body exams on
8 the animal each and every day. We took measurements on
9 him and recorded his growth from the time he came to Sea
10 World, and those measurements involved using a measuring
11 tape, the flexible kind, and we took probably 17 or 18
12 different measurements, and all of those measurements
13 involved us being very close with him. We did girth
14 measurements as well as pectoral flippers.

15 We x-rayed Tilikum which means close to him
16 in full gear. We trained Tilikum to present his penis.
17 We could look at his penis and we also trained Tilikum
18 to give us a sample of his semen.

19 We trained Tilikum to allow us to collect an
20 anal culture as well as a fecal sample. We could
21 perform ultrasound examinations on Tilikum pool side
22 where we asked him to come right to the side of the pool
23 and lay either laterally or dorsally so the veterinarian
24 could use an ultrasound machine on him.

25 JUDGE WELSCH: These are done by veterinarians?

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1 JUDGE WELSCH: Restate your question.

2 THE WITNESS: Honestly, not to characterize, a
3 gentleman ended up in Tilikum's pool over night. He was
4 fed in the morning, and that shocked and shook us. We
5 did not know the events leading up to his death, we did
6 not know anything other than Tilikum had him.

7 JUDGE WELSCH: When was this?

8 THE WITNESS: 1998 or '9.

9 As a result, we did that the same thing that we do
10 any time there is something that is -- it was a
11 traumatic event and we pulled way back on our protocols
12 for Tilikum. Only the most experienced people worked
13 with him.

14 I know other things were started at the stadium as
15 a result of that. The stadium became much more secure
16 than prior to that incident. You could enter the
17 stadium, by just being able to get over a two and a half
18 foot railing, and we made changes to that. We staffed a
19 security guard at the facility, security officer at the
20 facility 24 hours a day.

21 Other protocols changed around Tilikum in response
22 to that event. We no longer did his gastric tube. We
23 instead because that was the one behavior we felt we
24 were vulnerable, and we didn't know the circumstances
25 around this gentleman's death, so we found that putting

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1 our hands into his mouth might be putting us into a
2 vulnerable position. So we dropped the gastric tube
3 behavior and hydrated him by using gelatin after that.

4 So security changed, and our protocols around
5 Tilikum changed. Some the protocols upon Tilikum's
6 arrival are still in effect today, but we made changes
7 after that event. We also made more changes after
8 February 24, 2010.

9 BY MS. GUNNIN:

10 Q. You have talked a little bit about water work
11 and dry work, and it's in the citation itself, but I
12 don't think anyone has given a definition of that. I
13 don't think you were asked to do so.

14 If you could explain to the Judge, what does
15 the term, "water work" mean?

16 A. I would term "water work" as any interaction
17 with the killer whale over the trainer's knees as being
18 in the water with the killer whale. That's pretty much
19 how we've defined it over the years.

20 JUDGE WELSCH: So, the water is above the
21 trainer's knees?

22 THE WITNESS: The water is above the trainer's
23 knees. The interaction is a very close contact with the
24 killer whale.

25 Something that's changed over the years is the

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1 them. We were not able to get as close to Kiema to
2 perform those ultrasounds as we would have been. Kiema
3 had a very large calf, and I think we would have had
4 some indicators that might have helped us.

5 Q. Ms. Clark, I just have one more question for
6 you. You mentioned something about Loro Parque, and I
7 just want to clarify for the Judge. Is that a park
8 owned by Sea World in any way?

9 A. No, it is not.

10 Q. Are they affiliated to your knowledge with
11 Sea World?

12 A. No.

13 MS. GUNNIN: That's all I have. And, Your
14 Honor, may I asked for a break for Ms. Clark?

15 JUDGE WELSCH: I was going to ask if you need
16 a break. Let's take a ten-minute break. Be back at
17 20 minutes 'til.

18 (Whereupon, a short recess
19 Was taken off the record)

20 JUDGE WELSCH: Let's go on the record.

21 Ms. Clark, I'll remind you you're still under
22 oath.

23 Let me ask, Ms. Clark, I certainly can tell that
24 you feel very passionate in terms of what you do, but I
25 want to get some understanding. You refer to yourself

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1 A. No, we don't.

2 Q. So, are you suggesting that Kalina died
3 prematurely because of stopping water work?

4 A. I told the story about not being able to have
5 all the indicators that we have had access to before.
6 We don't have the indicators because we're not as close
7 to the killer whales as we have been in the past.

8 I'm not going to speculate on things that I'm
9 not qualified to speculate on. I'm not a veterinarian.
10 I was present at the necropsy, and I understand that
11 probably you have another witness that can help you out
12 with specifics. I'm a behaviorist.

13 Q. So there's no need to further speculate about
14 what was the cause of Kalina's death?

15 A. I made it clear at the beginning that I know
16 what she died of and I was speculating.

17 Q. Very good, thank you.

18 I think you concluded your testimony with
19 saying that Loro Parque was not affiliated with Sea
20 World Parks and Entertainment in any way. Did I hear
21 you correctly?

22 A. I think I said, "yes," to the question I was
23 asked. I'm not sure exactly how it was phrased.

24 Q. But, we established on Direct that Sea World
25 owns at least four of the whales that are stationed at

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1 Loro Parque?

2 A. Yes.

3 Q. And, at least up until Ms. Brancheau's death,
4 Sea World provided supervision at that park to the
5 trainers who work with the killer whales, right?

6 MS. GUNNIN: Judge, I'm going to object.
7 There is no foundation for the supervision at Loro
8 Parque.

9 JUDGE WELSCH: Overruled. Do you know the
10 answer?

11 THE WITNESS: I actually don't know that I'm
12 the right person to answer this question. I can answer
13 anything you want to know about Sea World of Orlando and
14 how I supervise my supervisors, but I was not -- I did
15 not have direct line reports at Loro Parque and have
16 not.

17 BY MR. BLACK:

18 Q. But, you know from an incident report
19 involving a death in December of 2009 at Loro Parque
20 that, in fact, there was a Sea World trainer acting as a
21 supervisor involved in that interaction in which a
22 trainer was killed, right?

23 A. Yes.

24 Q. So, you know that that Sea World trainer
25 wasn't just there to observe what was going on, right?

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1 A. Right.

2 Q. That Sea World trainer was actually involved
3 as the supervisor during the interaction, right?

4 A. Again, he was the most experienced trainer.
5 I do know a lot about the incident itself because I was
6 the contributing -- me and my team contributed to Sea
7 World Orlando's response in that corporate report, but I
8 don't know the details of the reporting structure over
9 there.

10 Q. And I'm not asking you --

11 A. He was the most experienced trainer on site
12 during that interaction.

13 Q. And, you know that the incident report itself
14 lists him as supervisor, right?

15 A. I would have to see it, but if you're saying
16 it --

17 Q. Does that sound right? I mean, we can pull
18 it out and look at it if you need to verify.

19 A. I'm trying to remember. I believe he was in
20 the capacity of assistant supervisor, hourly supervisor.
21 So, yes, I could say supervisor.

22 Q. And, you're aware that Sea World provided
23 training to Loro Parque trainers to actually open up
24 that park and operate it?

25 A. Yes, I am.

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1 talking about the 1999 incident with the person who
2 either stayed in the park after hours or snuck into the
3 park. His name was Daniel Dukes, right?

4 A. Right.

5 Q. And, I just want to clarify something. You
6 were talking about no longer doing gastric intubation,
7 is that what it was, of Tilikum?

8 A. Yes.

9 Q. As a result of that incident?

10 A. Yes.

11 Q. And, what I didn't understand is whether at
12 some point after that incident Sea World had resumed
13 doing that kind of procedure?

14 A. We did that kind of procedure very rarely and
15 when medically necessary and overseen by myself. The
16 decision to stop performing the gastric intubation was a
17 precautionary one. It wasn't because he had ever given
18 us any indication that were we not Daniel Dukes, were we
19 not an animal trainer ending up in his environment, he
20 had not given us any behavioral indication there would
21 ever be any problem performing that behavior.

22 Q. So, am I right, you stopped performing that
23 behavior with Tilikum in 1999?

24 A. Yes. Well, we stopped performing the gastric
25 hydration.

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1 behavior that they show when they are sensitized.

2 I'm trying to think of an example I can give
3 you. I am not desensitized to being in this environment
4 at all. My behavior is showing. People who know me
5 very well would recognize that I am not desensitized.
6 Put me in front of a killer whale, and you will see a
7 different person.

8 I have been around killer whales a long time.
9 If I put Mr. Black around a killer whale, he's going to
10 be very sensitized. So, desensitization is a process by
11 which a stimulus elicits no response, and the ponytail
12 -- Tilikum had been desensitized to ponytails. He never
13 responded, he never reached toward a ponytail, he never
14 backed his head away from a ponytail, he never noticed a
15 ponytail, the ponytail never interrupted his course of
16 behavior.

17 Q. So, you knew he was desensitized because he
18 had never pulled on a ponytail?

19 MS. GUNNIN: Judge, I think she has clarified
20 at length her opinion that Tilikum was desensitized to a
21 ponytail.

22 JUDGE WELSCH: I understand. Sustained. Let's
23 move on, Mr. Black.

24 BY MR. BLACK:

25 Q. So, the reason that you believe that -- I

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1 haven't gotten an answer, I don't think, to this
2 question. The reason you believe --

3 JUDGE WELSCH: You haven't gotten the answer you
4 want. You've gotten an answer.

5 MR. BLACK: A fair point. And, if you would
6 indulge me, Your Honor, and listen to my question, and
7 decide whether this is an asked and answered question
8 because I don't think I've gotten an answer.

9 BY MR. BLACK:

10 Q. You concluded that Tilikum was desensitized
11 as to ponytails, and your conclusion that he was
12 desensitized was based on the fact that he had been
13 exposed and the fact that he had never grabbed a
14 ponytail, right?

15 MS. GUNNIN: Judge, that is the question that
16 has been asked multiple ways.

17 MR. BLACK: I think that's a yes -- I don't
18 understand what is objectionable about the question and
19 I didn't get an answer.

20 JUDGE WELSCH: I think we've covered this.
21 Sustained. Let's move on.

22 BY MR. BLACK:

23 Q. And, sometimes in desensitizing whales, they
24 exhibit certain behaviors which show the need for you to
25 rework the desensitizing process with the whale, right?

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1 A. Yes.

2 Q. So, sometimes you might think a whale is
3 desensitized, and then when you find that, no, in fact,
4 the whale grabs this or interacts with this, that, in
5 fact, your conclusion that the whale was desensitized is
6 not accurate?

7 A. I don't think I would say that.

8 Q. What part of that do you disagree with?

9 A. You're using desensitization very awkwardly.
10 And, you're basically saying that you want me to say
11 "yes" or "no," and I wouldn't say the words that you're
12 saying. So, if you could ask me -- I just wouldn't say
13 what you're saying, and so I don't want to feel like I'm
14 not answering your question, but you're basically
15 framing the question and then expecting me to --

16 Q. I know I might not be framing it the way you
17 would like, so if there's something that is misframed,
18 you can tell me what part you object to. Okay?

19 A. It's not like or dislike. It's you're using
20 behavioral terminology that I don't think you're really
21 familiar with. So, you're throwing it into awkward
22 situations.

23 Q. Sure, I understand your opinion of my
24 behavioral knowledge, but you've had, for example,
25 instances where whales have grabbed onto things in the

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1 water, and because of that, you've said we need to
2 desensitize the whale so that they don't grab onto those
3 things. We can pull out the incident reports if you
4 would like.

5 A. Okay, I think you're talking about socks or
6 ponytails or --

7 Q. Take your pick.

8 A. Sure, yes.

9 Q. So, whales in the water shouldn't grab a sock
10 or a ponytail. Sea World as part of their corrective
11 plan has been to desensitize that whale to a sock or a
12 ponytail?

13 A. To continue the process of desensitization.

14 Q. And, the only way that you know that the
15 desensitization has succeeded, if you will accept that
16 term, is because the behavior hasn't occurred again.
17 That is the definition of success is that you haven't
18 seen that behavior again?

19 A. What behavior?

20 Q. The pulling that you were desensitizing
21 against, the pulling of hair, the pulling of the sock.

22 A. I'm not desensitizing against a behavior, and
23 I think this is why this is so awkward for you and I.
24 I'm desensitizing a stimulus. I'm not desensitizing
25 against something. I don't know how can explain this to

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1 you.

2 Q. That's a fair point. You're not
3 desensitizing against the behavior, you're desensitizing
4 the whale as to the object so the whale won't engage in
5 the behavior. Is that a better way to say it?

6 MS. GUNNIN: Judge, this is far beyond the
7 scope of Direct Examination. I did not have a Direct
8 Examination with Ms. Flaherty Clark that involved the
9 desensitization process of the killer whale. In fact, I
10 didn't even ask her any questions about the training
11 process of killer whales. I asked her a very specific
12 question with regard to the desense that was done for
13 Tilikum specifically.

14 JUDGE WELSCH: Overruled. Go ahead.
15 Did you understand his last question?

16 THE WITNESS: I think we're done, aren't we?
17 Where are we? I said I'm not desensitizing -- repeat
18 what you said. You said something about engaging.

19 BY MR. BLACK:

20 Q. You desensitized the whale to the object, the
21 sock, the hair, for the purpose of preventing the whale
22 from engaging in a behavior such as grabbing that sock
23 or object or reacting in any way to that sock or object
24 or hair?

25 A. The second one is pretty close, yes.

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1 Q. Would you like to fix it for me and say --

2 A. We desensitize them so that they don't show
3 behavior around that object, yes.

4 Q. So, they will ignore that object?

5 A. No, not necessarily.

6 Q. With the hair?

7 A. To desensitize something, a training pool. I
8 can desensitize an animal. When we first start training
9 the animals, we will use our hands, and then when we
10 progress from our hands to what we call a target,
11 sometimes the animal is like, "Whoa, what's that?"

12 So, we will spend a lot of time desensitizing
13 them, not having this reaction anymore. They're
14 sensitized. They don't know what that is, so I spend a
15 whole lot of time with them in saying, "That's okay,
16 little guy, this is just like my hand. We just want
17 this around you."

18 So, in the desensitization process, I'll
19 touch the animal with the target, I'll put the animal in
20 the pool, I'll rub them, have it just standing near me,
21 have it rolling on the deck so that they know when they
22 see a target pulled, they're no longer like, "What's
23 that?"

24 So, the process of desensitization is, "I've
25 been exposed to this, I know what this is, I have seen

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1 it in all kinds of situations, and I'm no longer going
2 to react to this stimuli being in my presence."

3 Now, I don't want them to ignore target pull
4 because I might want to move on to training to touch the
5 target pull and then using that target pull to train
6 them to leap out of the water.

7 So, it not desensitizing the animal to the
8 target pull in the hopes that he will completely ignore
9 the target pull in that instance. And, I think this is
10 why this is so difficult for me. You're using
11 desensitization and terminology and wrapping it into
12 situations that don't apply.

13 So, there's an example of why I just can't
14 simply say, "yes, you're right," because my brain goes
15 straight to behavior which is, no, I wouldn't
16 desensitize an object in the hope that somebody would
17 never -- you know, there are plenty of examples when you
18 would desensitize an object that you would want to teach
19 in their environment.

20 Q. What about a trainer's hair and desensitizing
21 as to the hair? What is it that you want the whale to
22 do with regard to the hair?

23 A. We want the whale to not have any response to
24 the hair being in their environment.

25 Q. To ignore it, if you will, or do you disagree

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1 with that?

2 A. Sure.

3 Q. So, with Tilikum, the desensitizing was to
4 get him to ignore hair, right?

5 A. No, I'm saying today Tilikum was desensitized
6 to ponytails.

7 Q. Okay.

8 A. I didn't have a reason to desensitize him to
9 ponytails, meaning I didn't interact -- we haven't
10 interacted with him for 19 years, saying we have a
11 reason to desensitize him to ponytails. So, I think
12 what I'm saying is more in 19 years, he's never reacted
13 to a ponytail, so I as a behaviorist assume he is
14 desensitized to ponytails. I have never seen any
15 behavior around ponytails before.

16 Q. Even though you've seen other whales pull on
17 hair, pull on other objects, you're willing to assume
18 what because Tilikum has not pulled on hair, he will not
19 pull on hair; is that a fair statement?

20 A. Yes.

21 Q. So, until the first incident that happened
22 that shows that you're wrong, that actually the
23 desensitization process hasn't worked, until that point
24 you're going to consider that desensitization has been
25 successful?

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1 A. I don't see any behavior around a certain
2 stimulus. I will say that the animal is desensitized to
3 that stimulus.

4 Q. So, the whale gets a first time, first event,
5 first pull until you conclude, wait a second, maybe he's
6 not desensitized in a way that will cause him to ignore
7 the object?

8 A. All my experience around ponytails has been
9 with younger whales that have not been exposed to
10 ponytails. So, yes, sure, I would assume that Tilikum
11 after 19 years of not reacting to ponytails was
12 desensitized to ponytails.

13 Q. Realizing that whales sometimes pull on
14 things as you have testified earlier?

15 A. Tilikum in 19 years has never shown us that
16 he pulled on anything.

17 Q. But, though the whales have shown you no
18 behavioral repertoire, you testified at the start of
19 today's testimony, that they do sometimes put things in
20 their mouth and pull it, right?

21 A. Yes.

22 Q. And, so you put Tilikum in his own little
23 box, if you will, and were not willing to generalize
24 that he might engage in pulling behavior?

25 A. Tilikum never exhibited any behavior that

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