IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FELD ENTERTAINMENT, INC.,	
Plaintiff,	
v.) Civil Action No. 07-1532 (EGS)
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, et al.,	
Defendants.	

STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Feld Entertainment, Inc. ("FEI") and Defendant The American Society for the Prevention of Cruelty to Animals ("ASPCA"), through their attorneys, submit this Stipulation of Dismissal with Prejudice of FEI's claims against Defendant ASPCA and request that the Court enter an order of dismissal and retain jurisdiction over the parties' Settlement Agreement and Release. In support thereof, FEI and ASPCA state as follows:

- 1. FEI filed a Complaint asserting claims against defendants ASPCA, Animal Welfare Institute ("AWI"), Fund for Animals ("FFA"), Tom Rider, Animal Protection Institute ("API") and the Wildlife Advocacy Project ("WAP") on August 28, 2007. Docket Entry ("DE") 1 (8-28-07).
- 2. FEI filed a First Amended Complaint on February 16, 2010, which asserted additional claims against ASPCA and the original defendants and added as defendants Meyer

Glitzenstein & Crystal ("MGC"), Katherine A. Meyer, Eric R. Glitzenstein, Howard M. Crystal, the Humane Society of the United States ("HSUS"), Jonathan R. Lovvorn, and Kimberly D. Ockene. DE 25 (2-16-10).

- 3. FEI and ASPCA have entered into a Settlement Agreement and Release dated December 14, 2012 with respect to all claims asserted in this action against the ASPCA defendant only, which reflects a settlement that FEI and ASPCA both believe is in their respective best interests.
 - 4. The action remains pending and will not be dismissed as to any other defendant.
- 5. This Stipulation is made in accordance with the terms of the Settlement Agreement and Release executed by FEI and ASPCA which will be incorporated by reference into the Order sought herein.
- 6. As part of the Settlement Agreement and Release, FEI and ASPCA expressly agreed to request that the Court retain jurisdiction to enforce the terms of the Settlement Agreement and Release. See Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375, 381 (1994).
 - 7. FEI and ASPCA each are to bear their own costs associated with this Stipulation.

WHEREFORE, FEI and ASPCA respectfully request that the Court enter an Order as follows:

- (1) FEI's claims against ASPCA, and only ASPCA, are dismissed with prejudice; and
- (2) Jurisdiction over the Settlement Agreement and Release, which is incorporated by reference, is retained by the United States District Court for the District of Columbia.

Dated: December 28, 2012

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Feld Entertainment, Inc.	American Society for the Prevention
	of Cruelty to Animals
CO ORDERED	
SO ORDERED.	
	Dated:
Emmet G. Sullivan	
United States District Judge	