

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS, et al.,**

**Plaintiffs,**

**v.**

**RINGLING BROS. AND BARNUM &  
BAILEY CIRCUS, et al.,**

**Defendants.**

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**Case No. 03-2006 (EGS/JMF)**

**EXHIBIT B**

**TO**

**DEFENDANT FELD ENTERTAINMENT, INC.'S  
MOTION TO COMPEL TESTIMONY OF PLAINTIFF  
TOM EUGENE RIDER AND FOR COSTS AND FEES**

**FULBRIGHT & JAWORSKI L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
801 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004-2623  
WWW.FULBRIGHT.COM

JOHN M. SIMPSON  
PARTNER  
JSIMPSON@FULBRIGHT.COM

DIRECT DIAL: (202) 662-4539  
TELEPHONE: (202) 662-0200  
FACSIMILE: (202) 662-4643

October 13, 2006

**BY FACSIMILE 202.588.5049**

Katherine A. Meyer  
Meyer Glitzenstein & Crystal  
1601 Connecticut Avenue, N.W.  
Suite 700  
Washington, D.C. 2009-1056

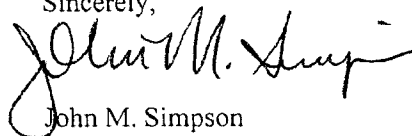
Re: ASPCA, et al. v. Feld Entertainment, Inc., No. 03-2006 EGS (D.D.C.)

Dear Ms. Myer:

At yesterday's deposition of Mr. Rider, the witness was instructed not to answer several questions along three lines of inquiry: (1) Mr. Rider's service in the military and whether he was declared a deserter and confined for same; (2) his participation as a party in prior civil litigation and contrary statements regarding same in his interrogatory answers; and (3) the extent to which he has either been arrested on felony charges or convicted of a misdemeanor. As none of these subjects implicates any privilege or any limitation on discovery established previously by the Court, the instructions not to answer could have been appropriate only pursuant to Fed. R. Civ. P. 30(d)(4), which requires the party making such instructions to file a motion for protective order with the Court.

Since we would like to proceed with completing discovery regarding Mr. Rider, please inform me when you plan to file the motion for protective order. I request your response by Wednesday, October 18, 2006, so that we may consider whether to pursue other avenues.

Sincerely,



John M. Simpson

JMS/jms