

**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 D

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.

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October 20, 2006

BY PDF TRANSMISSION

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:

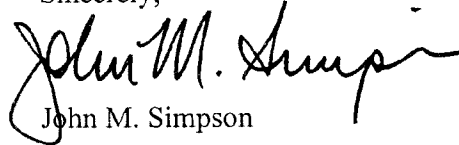
Thank you for your response to my letter of October 13, 2006, regarding the instructions not to answer that you gave to Mr. Rider at his deposition.

When Feld Entertainment, Inc. moved this Court at the onset to enter a protective order that would govern all discovery in this case, plaintiffs objected and the Court agreed. Having denied that to our client, we see no need to now reverse that course and provide special protections for your client, Mr. Rider, on public matters, *i.e.*, prior litigation, military service, and arrest and conviction records, all of which are neither privileged nor confidential. We do not consent to a protective order for Mr. Rider. The questions posed to him should have been answered at his deposition.

Unfortunately, your letter does not provide a date certain, as we requested, by which you will file a motion for protective order. We are not interested in abandoning this matter for "a few weeks" as your letter proposes. Regardless of when Feld Entertainment may choose to take a discovery deposition of Mr. Rider, the cross-examination of Mr. Rider at the deposition that you noticed remains incomplete due to the instructions not to answer that were given. In our view, the instructing party has the obligation to seek relief from the Court under Rule 30(d)(4). Nonetheless, we will prepare and file with the Court a motion to compel the testimony of Mr. Rider that remains unanswered from his October 12, 2006 deposition, and will seek our costs and fees pursuant to Rule 30(d)(4). We further remind you that until this matter is concluded, Mr. Rider is not to be consulted regarding his testimony.

Katherine A. Meyer
October 20, 2006
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

John M. Simpson

JMS/jms