

**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. :

Case No. 03-2006 (EGS/JMF)

**DEFENDANT’S NOTICE OF SUPPLEMENTAL POINTS AND
AUTHORITIES IN SUPPORT OF ITS MOTION TO COMPEL
DOCUMENTS SUBPOENAED FROM THE WILDLIFE ADVOCACY PROJECT**

Defendant Feld Entertainment, Inc. (“FEI”) hereby provides notice of supplemental points and authorities in support of its motion to compel documents subpoenaed from the Wildlife Advocacy Project (“WAP”), filed on September 7, 2006. After the related briefing was completed, plaintiffs’ counsel deposed their own client, Tom Rider, on October 12, 2006. At the deposition, Rider testified as follows about the funding that he has received from WAP¹ and other plaintiffs:

- When Rider receives money from WAP, it generally is sent via Federal Express and it generally is accompanied by a cover letter signed by plaintiffs’ counsel Eric Glitzenstein. Rider Depo. at 128-29. On occasion, however, Rider has received money via Western Union money grams, id. at 133-34, or his expenses have been paid with Mr. Glitzenstein’s WAP credit card, id. at 137-41.
- Rider received a check from WAP as recently as the week of his deposition. Id. at 147. Rider still receives his “grant” of \$500 per week, id., and believes that he has received the same amount in 2006 as he did in 2005, id. at 136-37.

¹ As of the date that FEI’s reply brief was filed, WAP’s website was not functional. Reply Brief at 9, n.8. Since then, the website has become operational again with the exception of its “Who We Are” page. That page, which was Exhibit 11 to FEI’s motion, is now “under construction.” <http://www.wildlifeadvocacy.org/who.html>.

- Rider considers his “media expenses” to include: “food, gas, laundry, oil, gas for [his] generator, you know, very little entertainment ... any and all expenses [he incurs] on the road.” Id. at 136. Rider uses the money he gets from WAP “[f]or whatever it takes [him] to live.” Id. at 137. This includes the shirt that he wore to the deposition. Id. at 135.
- Rider’s only source of income is the “grants” he receives from WAP and plaintiffs. Id. at 136. Although Rider recalls receiving the 1099’s issued by WAP, he has not filed a tax return since approximately 1998 when he left FEI. Id. at 123-27.
- Plaintiff ASPCA has given Rider approximately \$10,000-\$16,000. Id. at 149. Plaintiffs AWI and API also have provided him with “grants.” Id. at 149-52. Plaintiff Fund for Animals, moreover, has paid to repair his car. Id. at 144-45.
- As noted in the previous briefing, WAP paid for Rider’s van. Motion at 3. He also uses “grant” money to pay for the registration, which is in his name, and the vehicle’s insurance. Rider Depo. at 143-44.
- As noted in the previous briefing, Rider received money from previous plaintiff PAWS until it settled its claim. Motion at 7. Although Rider acknowledges writing a letter to PAWS (Exhibit 16 to FEI’s motion) resigning from his “security job,” Rider now claims that he “never worked for [PAWS].” Rider Depo. at 204-06. Rather, Rider claims that he received “grants” and “housing” from the organization. Id. at 204-05, 209-10. While receiving such “grants” and “housing,” he participated with PAWS in six to ten press conferences and did “any media that [PAWS] wanted [him] to.” Id. at 207-08.

A copy of Mr. Rider’s testimony regarding payments from WAP and other plaintiffs is attached hereto.

Dated this 1st day of November, 2006.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Defendant's Notice of Supplemental Points and Authorities in Support of Its Motion to Compel Documents Subpoenaed from the Wildlife Advocacy Project** and its attachment, were mailed, first class mail, postage prepaid, on this 1st day of November, 2006, to:

Mr. Richard Thomas
Attorney for Wildlife Advocacy Project
Lichtman, Trister & Ross, PLLC
1666 Connecticut Ave., N.W., Suite 500
Washington, DC 20009

I further certify that on this 1st day of November, 2006, the foregoing notice and its exhibit were electronically filed with the Clerk of this Court using the CMF/ECF system, which will send notification of such filing to plaintiffs' counsel.

/s/
George A. Gasper