

EXHIBIT D

To Plaintiff Tom Rider's Motion for
A Protective Order
Civ. No. 03-2006 (EGS/JMF)

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October 13, 2006

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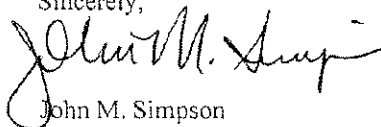
Re: ASPCA, et al. v. Feld Entertainment, Inc., No. 03-2006 EGS (D.D.C.)

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

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