

EXHIBIT E

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

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October 18, 2006

Sent by Email and First Class Mail

John M. Simpson
Fulbright & Jaworski
801 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2623

Re: ASPCA et al. v. Ringling Bros., et al.
Civ. No. 03-2006 (D.D.C.)

Dear Mr. Simpson:

I have received your October 13, 2006 letter regarding Mr. Rider's October 12, 2006 deposition. We would like to discuss with you the possibility of entering into a voluntary protective order with respect to Mr. Rider answering questions concerning both his military record and any misdemeanor convictions. While we do not object to providing the defendants and the Court with information about these two matters, we do object to such information, which is extremely personal, being publicly disclosed.

We are also willing to have Mr. Rider answer questions as to why his Interrogatory Response concerning "prior civil litigation" did not mention some marital disputes to which he has been a party. However, unless defendants can demonstrate that the substance of those marital disputes is somehow relevant to this proceeding, we will seek a protective order with respect to such matters on the grounds that they are entirely irrelevant and implicate Mr. Rider's personal privacy, and that the pursuit of such information would constitute harassment of Mr. Rider.

Similarly, unless defendants can demonstrate that knowing whether Mr. Rider has ever been "arrested on a felony charge," unrelated to whether he was ever convicted of a felony, is somehow relevant to this proceeding, we will also seek a protective order with respect to that line



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of inquiry, also on the grounds that such information is completely irrelevant, and that the pursuit of such information would constitute the unwarranted harassment of Mr. Rider.

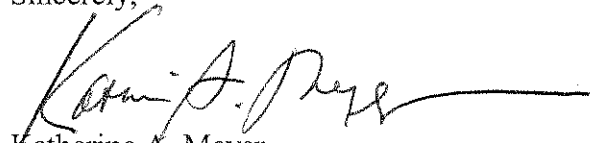
As to our willingness to provide you additional information subject to a protective order, as described above, we note that we have always acknowledged that you are entitled to take your own deposition of Mr. Rider. See, e.g., Letter to Lisa Joiner (August 29, 2006) (attached); Letter to Lisa Joiner (September 14, 2006) (attached). Although defendants originally served a notice to take Mr. Rider's deposition on February 8, 2005, you have made clear that, for various reasons, defendants are still not prepared to take Mr. Rider's deposition at this juncture. Defendant's Objections To Plaintiffs' "Preservation" Deposition Of Plaintiff Tom Rider (October 11, 2006).

Therefore, we propose that when you are ready to take Mr. Rider's deposition, we work out the terms under which Mr. Rider will testify about his military record, misdemeanor convictions, and the reason he did not identify certain marital disputes in answer to defendants' Interrogatory concerning "prior civil litigation." If, for some reason, it is necessary for us to agree to such terms before you are prepared to take Mr. Rider's deposition, we would certainly consider doing so.

I am going to be out of town for most of next week on business. However, in the event that, in response to this letter, defendants decline our offer to accept Mr. Rider's testimony on certain matters subject to a voluntary protective order, and/or defendants insist that they are entitled to information concerning felony arrests and the substance of Mr. Rider's marital disputes, we will be prepared to file a motion for a protective order within the next few weeks.

In view of our willingness to work out the terms of a protective order concerning several of the matters addressed in your letter, and the fact that defendants are not yet ready to take Mr. Rider's deposition, there should be no reason for defendants to file a motion to compel over these matters.

Sincerely,


Katherine A. Meyer

Attachments