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By Electronic and First Class Mail

Joshua D. Wolson, Esq.
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: ASPCA, et al. v. Ringling Bros. et al., Case No. 03-2006 (EGS)

Dear Josh:

I am writing in response to your letter of January 24, 2006.

As an initial matter, you are incorrect that plaintiffs have "yet to supplement" their production. Plaintiffs produced a supplemental production of over one thousand pages on April 1, 2005. Plaintiffs are also reviewing their files for responsive records generated since June, 2004, and will prepare additional supplemental productions. This will include any responsive, non-privileged records generated by employees of the Fund for Animals since the Fund for Animals combined with the Humane Society of the United States. However, plaintiffs note that the inordinate amount of time and resources they have had to devote to extracting from defendants even the most basic records that should have been originally produced to plaintiffs in June, 2004, has interfered with their ability to complete supplemental productions.

Plaintiffs are also reviewing their production to date to determine what, if any, materials were withheld on the basis of the general objections. As a general matter, however, plaintiffs did not specifically withhold records based on the general objections that were not either listed on plaintiffs' extensive privilege log, or for which an objection was indicated in the responses to individual discovery requests.

With respect to Mr. Rider's response to Interrogatory No. 4, we note that Mr. Rider provided an extensive narrative explaining his communications with animal advocacy groups, and objected that the breadth of the question and the volume of his contacts with animal advocacy groups made it impossible to recall each such communication. However, in light of the concern you have raised we will confer with



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Mr. Rider concerning his communications with the Wildlife Advocacy Project, and determine whether any of them are responsive to the Interrogatories. If they are, Mr. Rider will supplement his response to the Interrogatories. Plaintiffs note their objection to your statement that Mr. Rider has received "substantial payments" from the Wildlife Advocacy Project.

Plaintiffs disagree that Interrogatory No. 19 necessarily calls for information concerning the Animal Welfare Institute's donations to the Wildlife Advocacy Project, but AWI is determining whether to provide supplemental information in response to this Interrogatory.

With respect to AWI's search for records in the Society for Animal Protective Legislation's files, we are conferring with AWI on this matter and will respond to you shortly concerning AWI's position on whether SAPL's files are indeed responsive.

Finally, the ASPCA is undertaking an additional search for records concerning inspections conducted by the Humane Law Enforcement division of the ASPCA, and will produce any such non-privileged responsive records. If no such records are located beyond those already produced, the ASPCA will attempt to supplement its response to Interrogatory No. 12 to account for the inspections for which no records have been located. The ASPCA is also considering whether a supplemental response to Interrogatory No. 20 is warranted in light of defendants' production of FELD 0024121.

Sincerely,



Kimberly D. Ockene