

PLAINTIFFS' EXHIBIT 1

To Plaintiffs' Opposition to Defendants' Motion to
Compel Discovery from Plaintiff Tom Rider and For
Sanctions, Including Dismissal
Civ. No. 03-2006 (EGS/JMF)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION)
OF CRUELTY TO ANIMALS, *et al.*,)
)
Plaintiffs,)
)
v.)
) Civ. No. 03-2006 (EGS/JMF)
)
RINGLING BROTHERS AND BARNUM & BAILEY)
CIRCUS, *et al.*,)
)
Defendants.)

**DECLARATION OF KATHERINE MEYER IN SUPPORT OF
TOM RIDER'S OPPOSITION TO DEFENDANT'S MOTION
TO COMPEL DISCOVERY FROM PLAINTIFF TOM RIDER
AND FOR SANCTIONS INCLUDING DISMISSAL**

1. I am the lead counsel in this case. I am submitting this declaration in response to certain false statements made by counsel for the defendants in support of their March 29, 2007 Motion to Compel Discovery from Plaintiff Tom Rider and for Sanctions, Including Dismissal.

2. In the memorandum accompanying their motion to compel, defendants' counsel make several statements concerning specific representations that they contend I made at a meet and confer meeting that was held at the office of defendants' counsel on February 7, 2007. None of those statements, which defendants have not supported with any sworn testimony or other evidence, is true.

3. First, defendants' counsel falsely states that I "informed" them at the February 7, 2007 meeting that Mr. Rider is "not keeping" responsive records that were requested in defendants' March 2004 discovery requests. See Motion to Compel Memorandum at 13, 17.

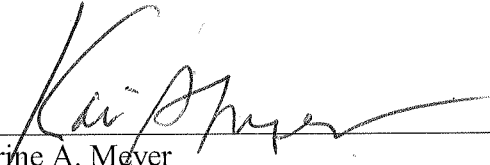
This is not correct. I made no such statement with respect to any documents that were generated or obtained by Mr. Rider after March 30, 2004 – the date of defendants’ discovery requests. Rather, in answer to a question concerning why Mr. Rider had not produced copies of certain records that pre-date March 30, 2004, which defendants had obtained from The Wildlife Advocacy Project pursuant to a subpoena, I candidly explained that Mr. Rider simply had not kept his copies of those records.

4. I am absolutely certain that I was only referring to documents that were in Mr. Rider’s possession prior to March 30, 2004, and I am also absolutely certain that I went out of my way to clarify this point with defendants’ counsel. Accordingly, there is no basis whatsoever for defendants’ counsels’ representation to this Court that I informed them that Mr. Rider was “not keeping” documents that are responsive to their March 30, 2004 discovery requests.

5. In their memorandum, defendants also state – again, without any proof whatsoever – that I informed them at the February 7, 2007 meeting that Mr. Rider had produced all of his files except for “one videotape.” Compel Memorandum at 15. This is also incorrect. In response to a question as to whether Mr. Rider had produced all records that were requested in response to defendants’ March 30, 2004 document production request, I said that I believed he had, with the caveat that he may have “some videotapes” that have not been produced, that I was checking on that, and that if he had any such tapes, we would locate them and produce copies of them as soon as possible. In fact, Mr. Rider was able to locate seven such videotapes, and we promptly made copies of them and provided them to defendants. See also E-mail from Katherine A. Meyer to Lisa Joiner (February 26, 2007), Defendants’ Exhibit 21 to Motion to Compel (informing Ms. Joiner that, “[t]o follow up on our meet and confer of a few weeks ago, I wanted

to let you know that Mr. Rider did find some video tapes that may be responsive to defendants' discovery requests; I am having copies made of them and plan on getting them over to you this week") (emphasis added). I am absolutely positive that I did not tell defendants' counsel that there was only "one" videotape that Mr. Rider may not have produced, and that I referred to the possibility that there were multiple "videotapes" that Mr. Rider had not yet produced.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and recollection.



Katherine A. Meyer

Date:

April 19, 2007