

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE)	
PREVENTION OF CRUELTY TO)	
ANIMALS, <i>et al</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 00-1641 &
)	03-2006
RINGLING BROS., <i>et al</i>)	(EGS)
)	
Defendants.)	
)	

O R D E R

Upon consideration of the pending motions, responses thereto, and for the reasons stated in open court on November 25, 2003, it is by the Court hereby

ORDERED that Civil Action Number 00-cv-1641 is **DISMISSED WITHOUT PREJUDICE** to the prosecution of an identical case, Civil Action Number 03-cv-2006, and any future request for attorney's fees; and it is

FURTHER ORDERED that the Court's Order dated October 3, 2003 consolidating both cases is **VACATED**; and it is

FURTHER ORDERED that Defendants' Motion for Judgment on the Pleadings dismissing the second amended complaint in Civil Action Number 00-cv-1641 is **DENIED AS MOOT** in light of the Order of Dismissal of Civil Action Number 00-cv-1641; and it is

FURTHER ORDERED that the Plaintiffs' Motion to Resolve the

Discovery Disputes is **GRANTED**. Plaintiffs are entitled to take discovery regarding all of defendants' practices that plaintiffs allege violate the Endangered Species Act and that statute's implementing regulations, including past, present, and on-going practices. That discovery is not limited to the precise examples of violations provided in the notice letters that were sent to the defendants; and it is

FURTHER ORDERED that Defendants' Motion for a Protective Order is **DENIED**. Defendant may move for a protective order with respect to particular specified information that is to be produced in discovery, upon a showing of "good cause," as permitted by Rule 26(c) of the Federal Rules of Civil Procedure; and it is

FURTHER ORDERED that a Status Hearing is set for **June 30, 2004 at 11:00 a.m.** in Courtroom One.

IT IS SO ORDERED.

Signed: **Emmet G. Sullivan**
United States District Judge
November 25, 2003