

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.)

**EXPEDITED MOTION FOR CLARIFICATION OF SEPTEMBER 25, 2007
ORDER AND SUPPORTING MEMORANDUM**

Plaintiffs seek immediate clarification of the portion of the Court’s September 25, 2007 Order which states that “[f]rom this point, all information disclosed during discovery, including information disclosed or learned during the inspections, will be sealed and both parties and their counsel are prohibited from disclosing it to any person who is not a party to this lawsuit or counsel to one of the parties.” Order (Docket No. 195) at 4. Plaintiffs assume that the Court means that the parties are barred from disclosing any information that they receive as of the date of the Court’s Order – i.e., September 25, 2007.

Such immediate clarification is requested because Judge Sullivan previously denied defendant’s request for a global protective order for all discovery materials, see Order (November 25, 2003) (Docket No. 15); Order (September 26, 2005) (Docket No. 50), and recently declined to order plaintiffs to cease and desist the disclosure of materials previously obtained in discovery that were not subject to a protective order, (see Order (August 23, 2007).

Accordingly, some of the information obtained in discovery has already been made public by plaintiffs (and by defendant), and plaintiffs – which include four organizations and an individual – refer to some of those materials on a regular basis in the course of their public advocacy on the issue of the treatment of elephants in captivity. Therefore, to ensure that the plaintiffs do not risk violating the Court’s Order in any way, they seek immediate clarification that the Order only applies to materials obtained in discovery as of September 25, 2007.

Plaintiffs’ counsel has conferred with defendant’s counsel who has stated that defendant does not oppose a request for clarification, but does not necessarily agree with plaintiffs’ interpretation of the Court’s Order and does not believe that this matter rises to the level of an emergency motion.

Respectfully submitted,

/s/ Katherine A. Meyer

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