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October 4, 2007

By Facsimile and Regular Mail

George A. Gasper, Esq.
Fulbright & Jaworski, L.L.P.
801 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Re: *ASPCA et al. v. Ringling Bros. and Barnum & Bailey Circus*, No. 03-2006

Dear Mr. Gasper:

This is in response to your letter dated September 26, 2007 regarding the Declaration and materials provided to you by the Wildlife Advocacy Project ("WAP") on September 24, 2007. WAP believes that Mr. Glitzenstein's Declaration is sufficiently clear on all of the points you raise and, moreover, that the Declaration responds completely to the Court's August 23, 2007 Order. Indeed, as the Declaration explains, WAP has *voluntarily* provided you with considerably more documents and information than required by that Order, which applied only to FEI's July 2005 subpoena. We also believe that your letter, in several respects, misstates or goes beyond the terms of the Court's Order and attempts to revisit issues on which FEI did not prevail in its motion to compel. Nonetheless, in a further effort to avoid burdening the Court with additional litigation over this matter, WAP will answer the points you have raised.

First, you complain that Mr. Glitzenstein's Declaration "states only that WAP has previously disclosed all "*information* concerning the payments made to Tom Rider and the role of the organizational plaintiffs and WAP in those payments." (Emphasis in original). In fact, the sentence from the declaration you quote is taken verbatim from Judge Sullivan's Order. Compare Decl. at ¶ 8 with 8/23/07 Order at 8 ("Defendant, however, is entitled to *information* concerning the payments made to Tom Rider and the role of the organizational plaintiffs and WAP in those payments.") (emphasis added). It is difficult to see how WAP can be faulted for filing a Declaration that tracks precisely the language used by the Court itself. However, to avoid any continuing controversy over this issue, WAP's representation regarding "information concerning the payments made to Tom Rider and the role of the organizational plaintiffs and WAP in those payments" includes documents as well.

Fulbright & Jaworski, L.L.P.
October 4, 2007
Page 2

Second, you ask whether "all requisite documents have been produced, or whether some have been destroyed." The 8/23/07 Order did not direct WAP to address document destruction and FEI did not raise any such issue in its motion to compel. In any case, WAP is unaware of any destruction of documents with regard to any of the documents deemed relevant by the 8/23/07 Order.

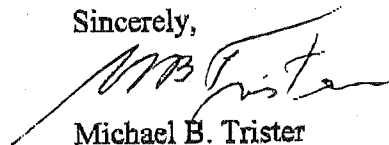
Third, you complain that the Declaration's statements concerning the withholding of "duplicative" documents is "ambiguous." Once again, however, the Declaration precisely tracks the Court's Order, which directed WAP to "submit[] a sworn declaration or affidavit indicating that the financial information underlying the transaction detail reports exists and that the transaction detail reports, cancelled checks, and 1099s already provided *detail every financial transaction made by WAP concerning elephants, defendants, or Tom Rider.*" 8/23/07 Order at 9 (emphasis added). The Court further stated that, if WAP were to provide this Declaration, WAP's "other financial information is irrelevant." *Id.*

WAP's Declaration provides the precise statement set forth in the Court's Order. See Declaration at ¶ 5 ("The financial information underlying the transaction detail reports exists, see Order at 9, and the report, along with the canceled checks, Form 1099s, and other documents that have been or are being furnished to defendant, '*detail every financial transaction made by WAP concerning elephants, defendants, or Tom Rider.*'") (emphasis added). Nonetheless, while WAP has fully complied with the Order, to avoid any continuing dispute over this issue, the responsive documents withheld by WAP on the grounds that they are duplicative are the monthly financial reports, bank statements, and phone bills.

Finally, in a footnote, you appear to raise a concern regarding the adequacy of WAP's search. WAP has searched for all responsive documents deemed relevant by the Court, including in e-mail accounts used by WAP directors or officers to conduct WAP activities.

As already made clear in the Declaration, you now have documents and information (including recent documents and information not even subject to any subpoena) on every financial transaction involving Mr. Rider that WAP has been able to uncover following a search of all of the organization's records. We trust this will be sufficient to bring this matter to closure.

Sincerely,



Michael B. Trister

cc: Mr. Eric Glitzenstein