LICHTMAN, TRISTER & ROSS, PLLC
1666 CONNECTICUT AVENUE, N.W., FIFTH FLOOR
WASHINGTON, D.C. 20009
PHONE: (202) 328-1666
FAX: (202) 328-9162
www.ltsrlaw.com

ELLIOTT C. LICHTMAN
MICHAEL B. TRISTER
GAIL E. ROSS
B. HOLLY SCHADLER

KAREN A. POST
LILAH S. ROSENBLUM^A
ALLEN H. MATTISON^A
^A ADMITTED IN MARYLAND ONLY

LAURENCE E. GOLD
Of Counsel

November 30, 2007

BY HAND DELIVERY

George A. Gasper
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:

On behalf of the Wildlife Advocacy Project ("WAP"), I am responding to your November 19, 2007 subpoena to WAP – the third such subpoena to WAP. WAP has no responsive documents with regard to Request No. 2. With respect to request No. 1, I am providing along with this letter responsive documents generated and/or obtained by WAP since September 24, 2007 until the present, along with a transaction detail report reflecting all pertinent receipts of funds and disbursements for that period of time.

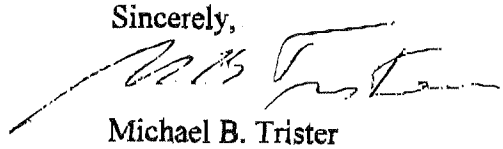
In searching for and providing these documents, WAP has proceeded in a manner that is entirely consistent with Judge Sullivan's August 23, 2007 ruling regarding FEI's first subpoena, WAP's September 24, 2007 Declaration responding to that ruling, and my October 4, 2007 letter responding to several questions you raised concerning the Declaration. In particular, WAP is withholding from the responsive records only the identities of a non-party organization and individuals who are not plaintiffs' counsel, employees or officers of the organizational plaintiffs, or employees or officers of WAP. In addition, as before, the responsive documents withheld by WAP on the ground that they are duplicative are the organization's monthly financial reports, bank statements, and phone bills.

Although WAP is fully responding to the subpoena solely in an effort to avoid unnecessary litigation, the subpoena is nonetheless legally objectionable. First, Judge Sullivan's ruling regarding FEI's motion to compel WAP documents found that FEI's first subpoena was vastly overbroad and burdensome, and hence he required WAP to furnish a much smaller subset of materials and make certain representations in a Declaration by September 24, 2007. WAP complied with that obligation. Nothing in Judge Sullivan's August 23, 2007 ruling even remotely suggested that WAP would be obligated to respond to further subpoenas from FEI following WAP's compliance with the Court's ruling.

Second, WAP also objects to the subpoena because it is "unreasonably cumulative or duplicative," Fed. R. Civ. P. 26(b)(1), of what has previously been provided to you by WAP, and it also imposes an "undue burden" on WAP. Fed. R. Civ. P. 45(c)(3)(A)(iv); see also Linder v. Calero-Portocarrero, 183 F.R.D. 314, 316 (D.D.C. 1998). In light of WAP's responses to FEI's two prior subpoenas, FEI now has more than enough information to raise whatever issue it desires concerning Tom Rider's credibility – which is the sole basis on which Judge Sullivan found that FEI could pursue any discovery against WAP. Indeed, because FEI has already been provided with a vast amount of information on the funding of Mr. Rider's public education campaign, it appears that FEI's latest subpoena is simply an effort to bolster the RICO case that FEI has filed against WAP and that has now been stayed pending the outcome of the ESA case.

Once again, however, because WAP is fully complying with the latest subpoena (within the parameters that Judge Sullivan applied to FEI's first subpoena), we are invoking these objections simply to preserve them in the event that FEI initiates further litigation over this matter.

Sincerely,



Michael B. Trister