

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS *et al.*,**

Plaintiffs,

v.

**RINGLING BROTHERS AND BARNUM &
BAILEY CIRCUS *et al.*,**

Defendants.

Civil Action No. 03-2006 (EGS/JMF)

ORDER

In Defendant's Motion to Enforce the Court's August 23, 2007 Order, defendant Feld Entertainment, Inc. moved to hold plaintiffs in contempt for thus far failing to produce certain documents relating to payments made to Tom Rider. As petitioners, they have "a heavy burden of proof, often described as proof by 'clear and convincing evidence', that the respondent violated the court's prior order." Washington-Baltimore Newspaper Guild, Local 35, of the Newspaper Guild, AFL-CIO-CLC v. Washington Post Co., 626 F.2d 1029, 1031 (D.C.Cir.1980) (affirming District Court's denial of petition to find respondent in civil contempt); Common Cause v. Nuclear Regulatory Comm'n, 674 F.2d 921, 928 n.13 (D.C. Cir. 1982). I therefore believe that an evidentiary hearing is necessary. Accordingly, a status date is set for January 8, 2008, at which I will review with counsel the procedures for the hearing to include a discussion of the witnesses to be called. At that status date, I will set a date for the evidentiary hearing.

SO ORDERED.

Dated: December 20, 2007

/S/

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE