



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division**

JAN POTTKER et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 99CA008068
	)	
KENNETH J. FELD et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER TERMINATING DEPOSITION**

This matter is before the court on the Feld Defendants' Motion For A Protective Order Terminating Plaintiffs' Deposition of Allen J. Bloom, the memoranda in support of and in opposition thereto and the referenced exhibits. Mr. Bloom, a former vice-president of the defendant, Ringling Bros.- Barnum & Bailey Combined Shows, Inc., has testified for almost two days by videotape deposition. Many lines of questioning are utterly foreign to this lawsuit, e.g., the health of performing elephants, the quality of medical attention they received and whether the principal defendant engaged private investigators to research attractive flight attendants he had met. The witness was asked whether he was homophobic and whether he had ever heard that the principal defendant had Florida mistresses. Such questions have no possible bearing on the case. The accuracy of plaintiff's writings on the defendant circus or its principals is not, as the court presently views the case, in issue and is not relevant to the subject matter.<sup>1</sup>

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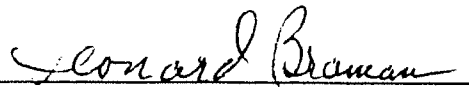
<sup>1</sup> The Feld defendants should notify the court by praecipe within ten days whether they propose to put in issue the accuracy of plaintiff's writings. If they do propose to do so, they should state the particulars of their proposed challenge and its relevance. The court will then determine the relevancy of defendant's proposed issues and, if the court is persuaded of their relevancy, determination of the present motion will be reconsidered.

Extensive interrogation dealt with the past employment by the Feld defendants of private investigators with criminal records and unsavory practices. The questions were not limited to their activities respecting the plaintiffs. Instead, plaintiffs argue that the tactics employed by these investigators on other persons may constitute a pattern or habit and thus evidence that plaintiffs were the victims of the same investigative practices. But it is nowhere shown in plaintiffs' opposition that any of these investigators had anything to do with any of the plaintiffs.<sup>2</sup> Further, the means and manner by which other investigations were conducted in other cases will not be admissible as evidence lest trial in this case become entangled with a number of mini-trials dealing with other investigations.

The court is satisfied that good cause has been demonstrated to show that the plaintiffs' have had an adequate opportunity to depose Mr. Bloom, that the manner of the interrogation is now such that it is unreasonably annoying and oppressive and that it should cease. Accordingly, it is this 25<sup>th</sup> day of July, 2000,

**ORDERED** that the motion is granted; and it is further

**ORDERED** that the Defendants' objections to the questions posed to Allen J. Bloom in his deposition, at pages 135, 144-45, 183, 185-86, 207, 411-12, 420-31 and 440, be, and hereby are, sustained and the deposition be and hereby is terminated.

  
Senior Judge Leonard Braman

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<sup>2</sup> Plaintiffs have attempted to make a connection between Kaplan (and another investigator) and plaintiff in the course of arguing another motion. In their Reply In Support Of Plaintiff's Motion To Compel Production Of Document From The Feld Companies (at 5), they syllogize that since these investigators were employed, *inter alia*, to spy upon and disrupt animal rights activists, and since the plaintiff – author espouses those views, an inference may be drawn that these investigators were engaged to target the plaintiff. The fallacy in logic, however, precludes the inferential connection.

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