



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

<b>JAN POTTKER, et. al.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	<b>C.A. No.: 99-8068</b>
<b>v.</b>	:	<b>Calendar 3</b>
	:	<b>Judge Brook Hedge</b>
<b>KENNETH J. FELD, et. al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER GRANTING MOTION TO PRODUCE SEALED DEPOSITION  
TRANSCRIPTS**

This is before the Court on Defendants Feld Entertainment, Inc., and Sells-Floto, Inc., Motion to Produce Sealed Deposition Transcripts. Specifically, these defendants received subpoenas *duces tecum* in a case pending in the Circuit Court of Fairfax County, Virginia. *People for the Ethical Treatment of Animals, Inc. v. Kenneth Feld, et. Al.*, At Law No. 203352. The Virginia case apparently concerns the treatment of animals at the circus owned by some of the Feld defendants. The Virginia court ordered the movant defendants here, who are not defendants before the Virginia court, to produce all depositions taken in this case, whether or not those deposed were defendants in Virginia. The Court is puzzled by the Virginia order since the materials here were arguably under a protective order and the Court is at a loss to discern the relevance of this discovery. The treatment of the animals at the circus has long been ruled not a part of this case and should not have been a part of any discovery. Only defendant George has objected to the disclosure. Defendant Eringer has not filed an opposition to this motion, although he has

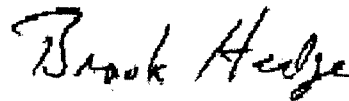
filed a dispositive motion raising the issue of his being barred from viewing confidential material regarding plaintiffs' medical records and other related materials.<sup>1</sup>

Regardless of the peculiar manner in which this issue finds itself before this Court, the facts remain that (1) Messrs. Eringer and George were free to intervene in Virginia for the limited purpose of seeking to prevent the release of their depositions after receiving notice here of the motion to release the same; and (2) the Virginia court has now entered a similar protective order. Presumably, Messrs. Eringer and George may enter limited appearances for sanctions if the order is violated by any misuse of their depositions.

In light of the forgoing, it is by the Court this 11<sup>th</sup> day of May 2004,

**ORDERED** that the Motion to Produce Sealed Deposition Transcripts is **GRANTED**, and it is further

**ORDERED** that the transcripts sought may be produced subject to compliance with the protective order entered in this case and in *People for the Ethical Treatment of Animals, Inc. v. Kenneth Feld, et. Al.*, At Law No. 203352.



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BROOK HEDGE  
JUDGE

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<sup>1</sup> This issue will be taken up by separate order.

Copies served electronically by LexisNexis File & Serve, and by First Class Mail or fax as indicated on the following individuals.

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