

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

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

Plaintiffs :

v. :

CIV. NO. 03-2006 (EGS/JMF)

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

Defendants :

**EXHIBIT 2 TO  
NON-PARTY PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS'  
REPLY TO PLAINTIFF'S MOTION TO COMPEL COMPLIANCE  
WITH THIRD PARTY SUBPOENA**

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January 28, 2008

**VIA FACSIMILE 703/548-3202 &  
FIRST CLASS MAIL**

Philip J. Hirschkop, Esq.  
HIRSCHKOP & ASSOCIATES, PC  
908 King Street, Suite 200  
Alexandria VA 22314

Re: ASPCA, et al. v. Ringling Brothers and Barnum & Bailey Circus, et al.,  
U.S.D.C. D.C. Case No. 03-2006

Dear Phil:

Thank you for your January 25, 2008 facsimile in which you forwarded to us a subpoena directed to People for the Ethical Treatment of Animals ("PETA") issued by the plaintiffs' counsel in the above-referenced action (the "Subpoena"). The Subpoena calls for materials that are covered by protective orders entered in various cases, including People for the Ethical Treatment of Animals, Inc. v. Kenneth Feld, At Law No. 204452 and People for the Ethical Treatment of Animals, Inc. v. Kenneth Feld, At Law No. 220181 (collectively the "PETA Actions").

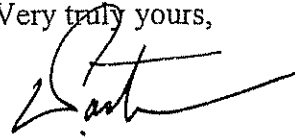
As counsel for Kenneth Feld, Feld Entertainment, Inc., and Sells-Floto, Inc. (collectively, "Feld") in the PETA Actions, please be advised that Feld objects to the disclosure of all of the material sought in the Subpoena that is covered by any applicable protective order because, among other reasons, the ASPCA plaintiffs are not an authorized recipient of Confidential Discovery Material pursuant to paragraph 4 of the protective orders entered in the PETA Actions. Further, in its post-trial April 14, 2006 order, the court only unsealed documents that were attached to court filings; it did not unseal entire depositions but, instead, only those deposition excerpts that were attached to briefing in the case. Pursuant to paragraph 5 of the protective orders, we are willing to attempt in good faith to resolve this objection. However, unless and until we are able to resolve Feld's objection, pursuant to the protective orders, neither you nor PETA are authorized to disclose any of the material requested in the Subpoena until the court has ruled.

As an aside, I note that the protective orders in the PETA Actions do not permit PETA to possess any of the material sought in the Subpoena. Therefore, if PETA has satisfied its obligations under the protective orders, it should have nothing to produce, which moots the Subpoena and any potential dispute between us. If PETA continues to retain Feld's discovery materials, please let us know immediately.

Blankingship  
Keith<sup>pc</sup>

January 28, 2008  
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Very truly yours,

A handwritten signature in black ink, appearing to read 'W. B. Porter', with a long horizontal flourish extending to the right.

William B. Porter

WBP:lmh

cc: Lisa Joiner, Esq.