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February 5, 2008

VIA FACSIMILE & FIRST CLASS MAIL

William B. Porter, Esquire
BLANKINSHIP & KEITH, P.C.
4020 University Drive, Suite 300
Fairfax, Virginia 22030

RE: *ASPCA v. Ringling Bros.*

Dear Mr. Porter:

I have your letter of January 28, 2008 and Ms. Joiner's letter of January 25, 2008, together with FEI's Notice of Objection to Subpoenae. I disagree with the basic premise in both letters.

You object to the fact that I am in possession of these depositions, but I lawfully possess them under the Protective Order in Law No. 220181 as "chief counsel for plaintiff." You also object to the production under paragraphs 4 and 5 of that Protective Order. I disagree that those paragraphs apply. The applicable paragraph is 2(b), relative to subpoenaed material. I have fulfilled my obligations under that paragraph. Paragraphs 4 and 5 are for material voluntarily produced.

Paragraph 2(b) would be meaningless if paragraphs 4 and 5 applied to subpoenaed material. It clearly requires immediate notification to parties, so you can seek relief, while a subpoena is pending, in the case in which the subpoena issued.

I have, out of courtesy, not yet produced the subpoenaed material in order that you or Ms. Joiner could seek appropriate adjudication, if that's what you chose to do. I do not believe that Judge Stitt would even consider quashing a federal subpoena, and it is questionable, under the supremacy clause, whether he would have that jurisdiction. Obviously, the appropriate place to seek relief is in the case where the subpoena issued.

Further, I am not bound by Ms. Joiner's objections, as they do not relieve the obligation to obey the subpoena, and she has further made no effort to set them for hearing. If she will expeditiously file and set for hearing a Motion to Quash, I will further withhold production. I am available for consultation to expeditiously set that hearing. Otherwise, I have a federal subpoena

William B. Porter, Esquire

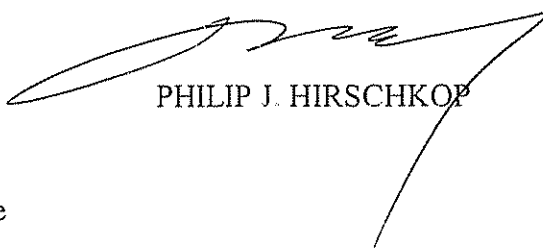
Page 2

February 5, 2008

which is a federal court order that I must obey. With regard to the other issues in Ms. Joiner's objections, those are matters to be resolved with the plaintiff in the *ASPCA* case.

I am available to discuss this and unless I hear back from one of you by the close of business tomorrow with respect to any Motion to Quash, I must and will obey the subpoena.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Philip J. Hirschkop', is written over the typed name. The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

PHILIP J. HIRSCHKOP

PJH:er

cc: Katherine Meyer, Esquire
Jeffrey S. Kerr, Esquire
Lisa Zeiler Joiner, Esquire