UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs

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

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

Defendants

EXHIBIT 4 TO

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

From: bwh@henrylaw com To: PJHIRSCHKOP@aol com

CC: ljoiner@fulbright.com, jsmall@fulbright.com Sent: 2/5/2008 8:08:08 P M. Eastern Standard Time

Subj: Subpoena

Phil; This email follows up on our telephone conversation of earlier today as well as my call with Lisa Joiner. As we discussed, I was out of town last week when you faxed the subpoena to me. As we further discussed, Mr. Smith's deposition was marked confidential in the Fairfax case and was subject to the protective order entered in the case. This will confirm that Mr. Smith does not waive the confidentiality, or the provisions of the protective order which govern the transcripts. Thanks, Bruce

Bruce W Henry

Henry, O'Donnell, Dahnke & Walther, P C

4103 Chain Bridge Road

Suite 100

Fairfax, Virginia 22030

(703) 273-1900

fax: (703) 273-6884

bwh@henrylaw com