

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

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

**Plaintiffs,**

**v.**

**FELD ENTERTAINMENT, INC**

**Defendant.**

**Civil Action No. 03-2006 (EGS/JMF)**

**ORDER**

By Order issued August 4, 2008, the Court directed defendants to explain further why certain documents were not turned over to plaintiffs pursuant to plaintiffs' discovery requests. The Court has now reviewed defendants' supplemental explanations and sustains the claims made therein in their entirety as they relate to the following documents: FEI 39504-09, FEI 39507A-REVISED, FEI 39507B-REVISED through FEI 39507D-REVISED, FEI 39507E-REVISED, FEI 39507H-REVISED, and FEI 42475 and FEI 42477.<sup>1</sup> In addition to responding to the Court's Order, however, defendants move for reconsideration as to the Court's rulings on one additional document.

As to FELD 0029097-98, defendants argue that, although not initially clear, a claim of work product privilege was actually made as to this document. According to defendants, this document is a compilation of quotes from USDA employee interviews,

---

<sup>1</sup> Counsel cannot find the originals of these redacted documents.

as selected by counsel for defendants. Having reviewed the document in light of the work product privilege, the Court will reverse its earlier ruling and sustain the claim. An attorney's mental impressions, as reflected in his compilation of certain materials, is clearly protected as work product. Cities Service Co. v. F.T.C., 627 F. Supp. 827, 834 (D.D.C. 1984)

It is therefore, hereby,

**ORDERED** that defendants' Motion for Partial Reconsideration [#336] is  
**GRANTED.**

**SO ORDERED.**

Dated: October 10, 2008

\_\_\_\_\_  
/S/  
JOHN M. FACCIOLA  
UNITED STATES MAGISTRATE JUDGE