

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.

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Case No. 03-2006 (EGS/JMF)

FELD ENTERTAINMENT, INC.'S OBJECTIONS TO
PLAINTIFFS' AMENDED PRE-TRIAL STATEMENT

EXHIBIT 2

FULBRIGHT & JAWORSKI L.L.P.

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September 2, 2008

VIA E-MAIL & REGULAR MAIL

Katherine A. Meyer
Meyer Glitzenstein & Crystal
1601 Connecticut Ave., N.W., Ste. 700
Washington, D.C. 20009

Re: ASPCA, et al. v. Feld Entertainment, Inc., Civ. Action No. 1:03-cv-2006: Pretrial Statement

Dear Ms. Meyer:

Pursuant to paragraph 1 of the First Amended Pretrial Order, the parties were required to file their pretrial statements "in strict compliance with Local Rule 16.5 by no later than August 29, 2008." Id. (8/6/08) (Docket # 328). LCvR 16.5(b)(5) requires that the schedule of witnesses

shall also set forth a brief description of the testimony to be elicited from the witness; and an estimate of the time the party will take in eliciting such testimony.

Id. Plaintiffs' Pretrial Statement does neither, and therefore, plaintiffs are in violation of the Local Rules and the First Amended Pretrial Order. See id. § IV (8/29/08) (Docket # 341). Please provide this information to us immediately.

The Local Rule further requires that the "list of exhibits shall set forth a description of each exhibit the party may offer in evidence. . . . Exhibits shall be listed by title and date." Plaintiffs have not done this for Exhibits 1 or 2. Rather, they are identified only as:

Exhibit 1 Medical Records of Ringling Brothers Elephants (contained on DVD provided to Defendant on 8/23/08) and

Exhibit 2 Medical Records of the elephants Jewell, Karen, Lutzi, Mysore, Susan, and Zina (contained on DVD provided to Defendant on 8/23/08).

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The DVD provided to us contains thousands of documents, not all of which are medical records. It is impossible to ascertain from these two categories in plaintiffs' pretrial statement, which documents they are actually attempting to identify. There is no reference by date, title or even bates number. Dr. Ensley was provided with approximately 14 boxes of documents that he relied upon for his expert report. We do not agree that plaintiffs can simply wholesale categorize all of these documents as one or two exhibits. Please provide us with an accurate exhibit list immediately of what it is from "Exhibit 1" and "Exhibit 2" that plaintiffs are attempting to identify as exhibits. Please provide this information in the format contemplated by the Local Rules.

We reserve our right to any and all objections based upon plaintiffs' failure to comply with LCvR 16.5 and the First Amended Pretrial Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Zeiler Joiner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lisa Zeiler Joiner