UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE : PREVENTION OF CRUELTY TO :

ANIMALS, et al.,

:

Plaintiffs, :

.

v. : Case No. 03-2006 (EGS/JMF)

FELD ENTERTAINMENT, INC.,

•

Defendant.

Delendant.

DEFENDANT FELD ENTERTAINMENT, INC.'S MOTION FOR LEAVE TO AMEND EXHIBIT LIST

Defendant Feld Entertainment, Inc. ("FEI") hereby requests further leave of Court to amend its exhibit list with video tape footage and documents recently received from People for the Ethical Treatment of Animals ("PeTA") pursuant to a Fed. R. Civ. P. 45 subpoena. As previously represented to the Court and plaintiffs, FEI issued a Fed. R. Civ. P. 45 subpoena to PeTA in September 2007, filed a separate action in the Eastern District of Virginia after PeTA refused to comply with that subpoena, and only recently received production of the subpoenaed materials following a decision by the district court in that separate action. See Notice of Orders (9/30/08) (Docket # 368); Notice of Amended Exhibit List (10/6/08) (Docket # 364).

FEI first sought leave to amend its exhibit list with the PeTA materials on Friday, October 17, see Motion for Leave to Amend Exhibit List (Docket # 375), and provided notice to the Court and plaintiffs that it would complete its review of the subpoenaed materials over the weekend and, if necessary, request leave to add additional materials to its exhibit list today, Monday, October 20. See id. at 2 n.2. FEI has now completed its review and hereby requests leave to further amend its exhibit list. The amended list of exhibits is attached hereto as Exhibit

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A. A copy of the exhibits will be delivered to plaintiffs' counsel this afternoon and will be

delivered to the Court this week.

As stated in its Motion for Leave to Amend Exhibit List (Docket # 375), the contents of

these exhibits are subject to a protective order entered by the Eastern District of Virginia. See

Notice of Order at Exhibit C (Docket # 363).

FEI previously conferred with plaintiffs and they do not consent to the relief requested.

Dated this 20th day of October, 2008.

Respectfully submitted,

John M. Simpson (D.C. Bar #256412)

Joseph T. Small, Jr. (D.C. Bar #926519)

Lisa Zeiler Joiner (D.C. Bar #465210)

Lance L. Shea (D.C. Bar #475951)

Michelle C. Pardo (D.C. Bar #456004)

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Counsel for Defendant Feld Entertainment, Inc.

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	:
FELD ENTERTAINMENT, INC.,	:
Defendant.	:
Defendant.	•
	— '
	ORDER
Upon consideration of Feld Enter	tainment Inc.'s Motion to for Leave to Amend its
open consideration of field Enter	taniment, me. s without to for heave to Amena its
Exhibit List, it is this day of Octo	ober, 2008,
ORDERED that the Motion is GR A	ANTED.
	HIDGE EMMET G SHI LIVAN
Exhibit List, it is this day of Octo	

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