

**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)

**DEFENDANT FELD ENTERTAINMENT, INC.'S
REPLY IN SUPPORT OF MOTION FOR LEAVE TO AMEND EXHIBIT LIST**

EXHIBIT 1

**U.S. District Court
Eastern District of Virginia (Norfolk)
CIVIL DOCKET FOR CASE #: 2:08-mc-00004-JBF-FBS**

Feld Entertainment, Inc. v. People for the Ethical Treatment of Animals, Inc. Date Filed: 01/28/2008

Assigned to: District Judge Jerome B. Friedman
Referred to: Magistrate Judge F. Bradford Stillman

Plaintiff

Feld Entertainment, Inc.

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Defendant

People for the Ethical Treatment of

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Date Filed	#	Docket Text
01/28/2008	<u>1</u>	MOTION to Compel Documents Subpoenaed from PETA, filed by Feld Entertainment, Inc. (Attachments: # <u>1</u> Proposed Order)(kver). Modified on 2/27/2008 to edit information (kver). (Entered: 01/29/2008)
01/28/2008	<u>2</u>	Memorandum in Support re <u>1</u> MOTION to Compel by Feld Entertainment, Inc.; received. (Attachments: # <u>1</u> Exhibit List; # <u>2</u> Exhibit 1; # <u>3</u> Exhibit 2; # <u>4</u> Exhibit 3; # <u>5</u> Exhibit 4; # <u>6</u> Exhibit 5; # <u>7</u> Exhibit 6; # <u>8</u> Exhibit 7; # <u>9</u> Exhibit 8; # <u>10</u> Exhibit 9; # <u>11</u> Exhibit 10; # <u>12</u> Exhibit 11; # <u>13</u> Exhibit 12; # <u>14</u> Exhibit 13; # <u>15</u> Receipt; # <u>16</u> Cover letter)(kver). (Entered: 01/29/2008)
01/28/2008	<u>3</u>	Financial Interest Disclosure Statement (Local Rule 7.1), filed by Feld Entertainment, Inc. (kver). (Entered: 01/29/2008)
02/01/2008	<u>4</u>	AFFIDAVIT of Service on PETA served on 01/29/08 (kver). (Entered: 02/05/2008)
02/13/2008	<u>5</u>	RESPONSE in Opposition re <u>1</u> MOTION to Compel filed by People for the Ethical Treatment of Animals, Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2) (Plumlee, John) (Entered: 02/13/2008)

02/13/2008	<u>6</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by People for the Ethical Treatment of Animals, Inc.. (Plumlee, John) (Entered: 02/13/2008)
02/13/2008	<u>7</u>	MOTION to Transfer Case <i>or Stay</i> by People for the Ethical Treatment of Animals, Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 2a)(Plumlee, John) (Entered: 02/13/2008)
02/13/2008	<u>8</u>	Brief in Support to <u>7</u> MOTION to Transfer Case <i>or Stay</i> filed by People for the Ethical Treatment of Animals, Inc.. (Plumlee, John) (Entered: 02/13/2008)
02/19/2008	<u>9</u>	RESPONSE in Support re <u>1</u> MOTION to Compel <i>Production of Documents</i> filed by Feld Entertainment, Inc.. (Attachments: # <u>1</u> Exhibit Order)(Abel, Christopher) (Entered: 02/19/2008)
02/25/2008	<u>10</u>	RESPONSE in Opposition re <u>7</u> MOTION to Transfer Case <i>or Stay</i> filed by Feld Entertainment, Inc.. (Attachments: # <u>1</u> Exhibit February 12, 2007 letter, # <u>2</u> Exhibit December 18, 2007 Order, # <u>3</u> Exhibit Declaration of George Gasper, # <u>4</u> Exhibit December 18, 2007 letter, # <u>5</u> Exhibit Notice of Objection to Subpoenae)(Abel, Christopher) (Entered: 02/25/2008)
02/26/2008	<u>11</u>	NOTICE by Feld Entertainment, Inc. re <u>2</u> Memorandum in Support, <u>1</u> MOTION to Compel <i>of Request for Hearing on Motion to Compel</i> (Abel, Christopher) (Entered: 02/26/2008)
02/28/2008	<u>12</u>	NOTICE of Appearance by Dorinda Sue Parkola on behalf of People for the Ethical Treatment of Animals, Inc. (Parkola, Dorinda) (Entered: 02/28/2008)
02/28/2008		Set Deadlines as to <u>1</u> MOTION to Compel. Motion Hearing set for 3/7/2008 @ 2:00 PM in N Mag Courtroom 1 before F. Bradford Stillman (kver). (Entered: 02/28/2008)
02/29/2008	<u>13</u>	NOTICE <i>of Request for Hearing</i> by Defendant PeTA (Plumlee, John) (Entered: 02/29/2008)
02/29/2008	<u>14</u>	MOTION to Transfer Case <i>in the alternative to Alexandria Division</i> by People for the Ethical Treatment of Animals, Inc.. (Plumlee, John) (Entered: 02/29/2008)
02/29/2008	<u>15</u>	Brief in Support to <u>14</u> MOTION to Transfer Case <i>in the alternative to Alexandria Division</i> filed by People for the Ethical Treatment of Animals, Inc.. (Plumlee, John) (Entered: 02/29/2008)
03/03/2008	<u>16</u>	NOTICE of Appearance by Philip Jay Hirschkop on behalf of People for the Ethical Treatment of Animals, Inc. (Hirschkop, Philip) (Entered: 03/03/2008)
03/03/2008	<u>17</u>	NOTICE by People for the Ethical Treatment of Animals, Inc. <i>of Request for Accommodation of Counsel</i> (Plumlee, John) (Entered: 03/03/2008)
03/03/2008	<u>18</u>	MOTION for George Andrew Gasper to appear Pro hac vice on behalf of Feld Entertainment, Inc. (Attachments: # <u>1</u> Receipt)(kver). (Entered: 03/04/2008)
03/04/2008		MOTION <u>7</u> MOTION to Transfer Case or Stay REFERRED to District Judge Jerome B. Friedman (kver). (Entered: 03/04/2008)
03/04/2008	<u>19</u>	ORDER Granting <u>18</u> Motion for Pro hac vice Appointed George Andrew

		Gasper for Feld Entertainment, Inc.. Signed by Judge Jerome B. Friedman and filed on 03/04/08 (kver). (Entered: 03/06/2008)
03/05/2008		Minute Entry for proceedings held before Judge F. Bradford Stillman in chambers. (2:27 pm to 2:45 pm) Status Conference held on 3/5/2008. (cdod) (Entered: 03/05/2008)
03/05/2008		Reset Hearings: Motion Hearing set for 3/14/2008 @ 12:00 PM in N Mag Courtroom 2 before F. Bradford Stillman (kver). (Entered: 03/06/2008)
03/05/2008	<u>20</u>	ORDERED that the hearing on Feld Entertainment's Motion to Compel Documents Subpoenaed from PETA, and related pleadings, is continued from March 7, 2008, at 2:00 p.m., to March 14, 2008, at noon. Signed by Judge F. Bradford Stillman and filed on 03/05/08(kver). (Entered: 03/06/2008)
03/07/2008	<u>21</u>	NOTICE by Feld Entertainment, Inc. re <u>2</u> Memorandum in Support, <u>1</u> MOTION to Compel <i>Notice of Stay issued by U.S.D.C. for District of Columbia pending Motion to Compel resolution</i> (Attachments: # <u>1</u> Notice of Electronic Filing in U.S.D.C. for the District of Columbia)(Abel, Christopher) (Entered: 03/07/2008)
03/11/2008	<u>22</u>	RESPONSE to Motion re <u>14</u> MOTION to Transfer Case <i>in the alternative to Alexandria Division</i> filed by Feld Entertainment, Inc.. (Attachments: # <u>1</u> Notice of Electronic Filing, U.S.D.C. for the District of Columbia)(Abel, Christopher) (Entered: 03/11/2008)
03/11/2008	<u>23</u>	MEMORANDUM ORDER denying <u>7</u> Motion to Transfer Case or to stay the matter; finding as moot <u>14</u> Motion to Transfer Case; the motion to compel will be heard on 3/14/08 at noon by Magistrate Judge F. Bradford Stillman. Signed by Judge Jerome B. Friedman and filed on 3/11/08. (jcow,) (Entered: 03/11/2008)
03/14/2008		Reset Hearing: Motion to Compel Hearing set for 4/8/2008 at 2:00 PM before F. Bradford Stillman (kver). (Entered: 03/14/2008)
03/14/2008	<u>24</u>	ORDER, Counsel are ORDERED to file with the Court, no later than April 1, 2008, supplemental pleadings which identify all rulings of U.S. District Judge Sullivan and Magistrate Judge Facciola which they contend bear on the issues raised by the instant motion, as well as all orders and opinions of these judges on which counsel for Feld Entertainment, Inc. and People for the Ethical Treatment of Animals, Inc., rely; Counsel shall appear again at 2:00 p.m. on Tuesday, April 8, 2008, for further argument on the instant motion. Signed by Judge F. Bradford Stillman and filed on 03/14/08(kver). (Entered: 03/17/2008)
03/14/2008		Minute Entry for proceedings held before Judge Magistrate Judge F. Bradford Stillman. Christopher Abel and George Casper appeared on behalf of the plaintiff. John Plumlee and Philip Hirschkop appeared on behalf of the defendant. Motion Hearing held on 3/14/2008 re <u>1</u> MOTION to Compel filed by Feld Entertainment, Inc. Argument by counsel. Court directed that supplemental pleadings be filed by 4/1/08 which shall identify all rulings of U.S. District Judge Sullivan and Magistrate Judge Facciola which they contend bear on these judges on which counsel for Feld Entertainment, Inc., and PETA. This matter continued to 4/8/08 at 2:00 p.m. (Court Reporter Jody Stewart,

		OCR.) (they,) (Entered: 03/17/2008)
03/20/2008	<u>26</u>	TRANSCRIPT of Proceedings held on 03/14/08 before Judge F. Bradford Stillman. Court Reporter: Jody A. Stewart (kver). (Entered: 03/20/2008)
03/25/2008	<u>27</u>	ORDER, On motion of counsel for Plaintiff, and with agreement of counsel of Defendant, the hearing on Feld Entertainment's Motion to Compel Documents Subpoenaed from PETA, and related pleadings, is continued from April 8, 2008, at 2:00 p.m., to April 8, 2008, at noon. Signed by Judge Magistrate Judge F. Bradford Stillman and filed on 03/25/08(kver). (Entered: 03/25/2008)
03/25/2008		Reset Hearings: Motion Hearing on Motion to Compel Documents Subpoenaed set for 4/8/2008 at 12:00 PM before Magistrate Judge F. Bradford Stillman (kver). (Entered: 03/25/2008)
04/01/2008	<u>28</u>	Supplemental Brief in Support to <u>2</u> Memorandum in Support, <u>1</u> MOTION to Compel filed by Feld Entertainment, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6)(Serafine, Dawn) Modified on 4/1/2008 to edit text (kver). (Entered: 04/01/2008)
04/01/2008	<u>29</u>	Memorandum in Opposition re <u>1</u> MOTION to Compel <i>Supplemental Opposition</i> filed by People for the Ethical Treatment of Animals, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Hirschkop, Philip) (Entered: 04/01/2008)
04/08/2008	<u>30</u>	Minute Entry for proceedings held before Magistrate Judge F. Bradford Stillman. Christopher Able and Dawn Serafine appeared on behalf of the plaintiff. John Plumlee and Philip Hirschkop appeared on behalf of the defendant.Motion Hearing held on 4/8/2008 re <u>1</u> MOTION to Compel filed by Feld Entertainment, Inc.. Statements by the Court. Argument by counsel. Court to prepare order. (Court Reporter Jody Stewart, OCR.) THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (they,) (Entered: 04/10/2008)
05/28/2008	<u>32</u>	NOTICE by Feld Entertainment, Inc. re <u>1</u> MOTION to Compel (Attachments: # <u>1</u> Notice of Electronic Filing for the U.S.D.C. for the District of Columbia) (Serafine, Dawn) (Entered: 05/28/2008)
07/22/2008	<u>33</u>	ORDER Granting in Part and Denying in Part <u>1</u> Motion to Compel; see Order for specifics. Signed by U.S. Magistrate Judge F. Bradford Stillman and filed on 07/22/08 (kver). (Entered: 07/23/2008)
08/04/2008	<u>34</u>	Objection to <i>Magistrate Judge's Order</i> filed by People for the Ethical Treatment of Animals, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit)(Hirschkop, Philip) (Entered: 08/04/2008)
08/05/2008	<u>35</u>	NOTICE by People for the Ethical Treatment of Animals, Inc. re <u>34</u> Objection, <i>Praeipice and Addendum</i> (Attachments: # <u>1</u> Appendix)(Hirschkop, Philip) (Entered: 08/05/2008)
08/06/2008	<u>36</u>	NOTICE by People for the Ethical Treatment of Animals, Inc. re <u>34</u> Objection,

		(Attachments: # <u>1</u> J. Friedman Letter Request Hearing)(Plumlee, John) (Entered: 08/06/2008)
08/06/2008	<u>37</u>	NOTICE by People for the Ethical Treatment of Animals, Inc. re <u>34</u> Objection, <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit) (Hirschkop, Philip) (Entered: 08/06/2008)
08/08/2008	<u>38</u>	MOTION for Protective Order by People for the Ethical Treatment of Animals, Inc.. (Hirschkop, Philip) (Entered: 08/08/2008)
08/08/2008	<u>39</u>	<i>PeTA's</i> Memorandum in Support re <u>38</u> MOTION for Protective Order <i>PeTA's</i> filed by People for the Ethical Treatment of Animals, Inc.. (Hirschkop, Philip) (Entered: 08/08/2008)
08/08/2008	<u>40</u>	NOTICE by People for the Ethical Treatment of Animals, Inc. re <u>39</u> Memorandum in Support, <u>38</u> MOTION for Protective Order <i>Request for Hearing</i> (Attachments: # <u>1</u> Request for Preemptive Hearing)(Plumlee, John) (Entered: 08/08/2008)
08/12/2008	<u>41</u>	Response to <u>34</u> Objection, to <i>Magistrate's Order of July 22, 2008</i> filed by Feld Entertainment, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Serafine, Dawn) (Entered: 08/12/2008)
08/13/2008	<u>42</u>	Memorandum in Opposition re <u>38</u> MOTION for Protective Order filed by Feld Entertainment, Inc.. (Serafine, Dawn) (Entered: 08/13/2008)
08/22/2008		MOTION REFERRED to Magistrate Judge F. Bradford Stillman. <u>38</u> MOTION for Protective Order (jcow,) (Entered: 08/22/2008)
09/08/2008	<u>43</u>	OPINION AND ORDER that defendant's objections to Magistrate Judge Stillman's 7/22/08 order are overruled, and defendant's request to vacate that order is denied. Defendant is further directed to comply with all provisions of Magistrate Judge Stillman's 7/22/08 order and to respond to plaintiff's amended requests for production forthwith, and in no case later than close of business on Tuesday, 9/23/08. Signed by District Judge Jerome B. Friedman and filed on 9/8/08. (jcow,) (Entered: 09/10/2008)
09/11/2008	<u>44</u>	ORDER denying <u>38</u> Motion for Protective Order. Signed by Magistrate Judge F. Bradford Stillman and filed on 9/11/08. (jcow,) (Entered: 09/11/2008)
09/15/2008		Minute Entry for proceedings held before Magistrate Judge F. Bradford Stillman. Telephone Conference held on 9/15/2008 in chambers. (10:30 am to 10:42 am) (cdod) (Entered: 09/15/2008)
09/23/2008		Minute Entry for conference call held before Magistrate Judge F. Bradford Stillman; Jody Stewart, OCR. Matter came on for conference call regarding review of videos of PETA. Participants in conference call were: Christopher Abel for Feld Entertainment and Bryan Plumlee for PETA. Comments of counsel and Court. Defendant opposed production of certain videos and audio portions of videos as irrelevant and unresponsive. Court directed counsel to submit proposed protective order (either jointly or two separate orders if differences cannot be resolved) by 5:00 p.m. on Thursday, September 25, 2008. Order(s) shall require Feld to return copies of any videos, etc. pursuant to

		discovery process after DC case is resolved, to protect dissemination of videos, and videos are limited to this litigation only. Court further ordered there will be no redactions to videos except for the two videos listed on the privilege log. Court adjourned. (afor) THIS IS A TEXT ONLY ENTRY. NO PDF DOCUMENT IS ATTACHED (Entered: 09/24/2008)
09/24/2008	<u>46</u>	ORDER that counsel for Feld and PETA shall immediately meet and confer and submit an agreed protective order for entry by the court no later than 5:00pm on 9/25/08, or if they are unable to agree on the terms of a suitable protective order, counsel for Feld and PETA shall each submit a proposed protective order for consideration and entry by the court no later than 5:00pm on 9/25/08. Signed by Magistrate Judge F. Bradford Stillman and filed on 9/24/08. (jcow,) (Entered: 09/25/2008)
09/24/2008	<u>47</u>	TRANSCRIPT of Proceedings held on 9/23/08 before Judge F. Bradford Stillman. Court Reporter: Jody Stewart. (jcow,) (Entered: 09/25/2008)
09/25/2008	<u>48</u>	MOTION for Protective Order by People for the Ethical Treatment of Animals, Inc.. (Attachments: # <u>1</u> Cover Letter)(Plumlee, John) (Entered: 09/25/2008)
09/25/2008	<u>49</u>	NOTICE by Feld Entertainment, Inc. re 46 Order, of <i>Filing of Draft Protective Order</i> (Attachments: # <u>1</u> Exhibit 1 (Draft Protective Order))(Serafine, Dawn) (Entered: 09/25/2008)
09/25/2008	<u>50</u>	Amended MOTION for Protective Order by People for the Ethical Treatment of Animals, Inc.. (Attachments: # <u>1</u> Cover Letter)(Plumlee, John) (Entered: 09/25/2008)
09/30/2008	<u>51</u>	PROTECTIVE ORDER outlining the handling of documents (see order for specifics). The court shall retain jurisdiction over this matter after conclusion of the D.C. Litigation for the limited purpose of enforcement of this Protective Order. Signed by Magistrate Judge F. Bradford Stillman on 9/29/08 and filed on 9/30/08, filed nunc pro tunc to 9/25/08; Copies mailed 9/30/08. (kgri) (Entered: 09/30/2008)

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