

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)

**NOTICE OF OBJECTION**

Defendant Feld Entertainment, Inc. hereby provides notice of its objection to the letter and materials sent to chambers on Friday, February 13, 2009 as follows:

1. Plaintiffs' counsel raised the issue of exhibit PWC 7 as an initial matter on February 12, 2009, Day 7 of trial. The Court inquired as to the completeness of the document, see Tr. at 7:8-10, and counsel for FEI objected. The Court heard both Plaintiffs and Defendant on this matter, see Tr. at 7:11-16:6. After determining that PWC 7 concerns events occurring in 2004 (years after Mr. Rider left FEI in 1999) and has multiple attachments not part of plaintiffs' trial exhibits, the Court declined to take a recess and ordered plaintiffs to proceed. Id. at 16:12-18.

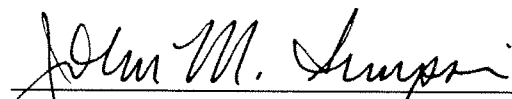
Accordingly, FEI objects to plaintiffs' submission of this document with attachments *in camera* and disagrees with counsel's suggestion that the Court requested it be provided. See Exhibit 1, 2/13/09 Winders letter to Court (citing Tr. at 7:8-10).

2. Along with PWC 7, plaintiffs' counsel also submitted a purported USDA certification for numerous documents. See Exhibit 2, Attachment 2 to Winders letter. Pursuant to FRE 803(6) and 902(11) FEI hereby provides the Court and plaintiffs notice that it objects to

the certification due to, *inter alia*, the numerous errors contained therein. Because the certification purports to address 51 separate documents (not all of which it appears plaintiffs will actually use at trial), FEI would propose for the sake of time that it be permitted to address these issues if and when they arise at trial. Alternatively, should the Court prefer, FEI is also prepared to address the general objections it has to the certification.

Dated this 16<sup>th</sup> day of February, 2009.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John M. Simpson".

John M. Simpson (D.C. Bar #256412)  
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Lisa Zeiler Joiner (D.C. Bar #465210)  
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