UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, et al.,		
Plaintiffs,	• : •	
v. RINGLING BROS. AND BARNUM & BAILEY CIRCUS, et al.,	• • • •	Case No. 03-2006 (EGS) JUDGE: Emmet G. Sullivan
Defendants.	:	

REPORT ON STATUS OF PENDING MOTIONS

Pursuant to the Court's Order dated September 8, 2005, defendant submits this Report on the status of the motions pending before the Court. Counsel for defendant suggested to counsel for plaintiffs that the parties file a joint status report; however, counsel for plaintiffs stated that plaintiffs preferred to file separate reports.

In a continuing effort to respond reasonably to plaintiffs' discovery requests notwithstanding their motion to compel, Defendant has provided plaintiffs (1) with more than 1,300 supplemental pages of documents in two supplemental productions – one in March and one in June and (2) with supplemental responses to interrogatories and document requests, which included, *inter alia*, (a) the names and last known addresses for more than 350 employees who have had direct responsibilities for working with elephants since 1996 and (b) information about more than 75 elephants, including, for each elephant, information about the circumstances under which it was acquired and each of its locations since 1996.

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Despite these efforts, counsel for plaintiffs has stated that their position remains unchanged. Accordingly, at this time, we must report to the Court that, despite defendant's best efforts to resolve issues raised in the pending motions without the Court's assistance, the issues presented in the pending motions remain for resolution by the Court.

Respectfully submitted,

COVINGTON & BURLING

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ATTORNEYS FOR DEFENDANT

September 12, 2005