

**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 NOTICE REGARDING
PLAINTIFFS' NOTICES OF ADDITIONAL RECENT AUTHORITY**

In addition to the post-trial briefing ordered by the Court, Final Pretrial Order ¶ 22 (DE 373) (10/15/08), plaintiffs have now filed two Notices of Additional Recent Authority (DE 542) (5/28/09) & (DE 546) (6/25/09). Defendant Feld Entertainment, Inc. ("FEI") hereby advises the Court that it disagrees with plaintiffs' characterizations of the additional authority provided by plaintiffs, *United States v. Philip Morris et al.*, No. 06-5267 (D.C. Cir. May 22, 2009), and *Friends of Animals v. Salazar*, Civ. No. 04-01660 (D.D.C.) and *Cary v. Gould*, Civ. No. 06-02120 (D.D.C. June 22, 2009). The opinions do not support plaintiffs' arguments in this case. Indeed, if anything, the "additional recent authority" support FEI's positions.

Rather than proceed with any further briefing on the matter, FEI respectfully requests that, should the Court so desire, it be given the opportunity to respond to the additional authority presented by plaintiffs at the hearings already scheduled for July 8 and 14, 2009 on, *inter alia*, standing and the regulatory scheme governing this action.

Dated this 26th day of June 2009.

Respectfully submitted,

/s/

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